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THE
ORGANIC MUNICIPAL LAW
OF
CUBA
OF
MAY 29, 1908.



HAVANA
RAMBLA AND BOUZA, PRINTERS AND STATIONERS.
33 AND 35 OBISPO STREET.
1908.

DECREE No. 570.

Havana, May 30th, 1908.

By virtue of the powers vested in me as Provisional Governor, I hereby,

RESOLVE:

That there be printed for official distribution, a pamphlet edition of the Municipal Law contained in Decree No. 568 of May 19, 1908, to consist of five thousand Spanish and one thousand English copies.

The cost of this edition shall be defrayed out of the moneys appropriated by Decree No. 262 of March, of the current year.

CHARLES E. MAGOON,
Provisional Governor.

1913

THE ADVISORY COMMISSION.

Havana, May 8, 1908.

THE HONORABLE, THE PROVISIONAL GOVERNOR.

Sir:

The Advisory Commission has the honor to transmit to you, for your information, the project of the Organic Municipal Law the preparation of which was entrusted to it, and in this connection and with a view to facilitating the examination thereof, it proceeds to particularize such portions of said project as may be considered new or interesting with relation to the existing legislation upon the subject, first indulging, however, in certain brief reflections of a general character.

The subject is one involving an Organic Law which, as it relates to the municipal government of the country, embraces it as a whole in all the manifestations of local public life; and inasmuch as it is the first law of this description which has been formulated as supplementary to the Cuban constitution, it has brought forward for solution the numerous problems implied in the fundamental transition from the old colonial regime to that of an independent State.

Above and beyond all this, it has been necessary to keep in mind that the current of scientific ideas with regard to local government prevailing in the most advanced countries of Europe and America, suggests new points of view, which cannot be ignored if the work of the legislator upon these subjects is to be a faithful reflection of social duties and obligations, in harmony with the tendencies of the age; and hence the necessity of embodying in said project of law something to impress it with the stamp of progressiveness, along certain lines, but keeping in view the

natural prudence rendered advisable in the case of a young nation which is just entering upon its independent political existence.

The essential differences between the Spanish municipal law of October 2, 1877, which is to become inoperative, and the project of law which is submitted in substitution thereof, are the following:

The law of 1877 is naturally permeated by a monarchical and centralizing spirit, as one of the organic laws of the Spanish constitution of 1876. The present project is in keeping with the Cuban constitution, which is republican and decentralizing in spirit.

The Spanish law merges deliberative and administrative functions in the same body, consisting of a municipal council presided over by the mayor. The project of law makes a radical separation of these functions, in order that the municipal council shall have its own president on the one hand, and, on the other hand, that the mayor shall act as the chief of the municipal administration, as provided by the constitution.

According to the Spanish law, the mayor is elected by the municipal council; and according to the project of law, he must be elected directly by the people, as prescribed by our constitution.

By the Spanish law, municipal autonomy is limited by the necessity of having the government of the state authorize the budgets and other financial and administrative transactions of the municipality. In the project of law, nothing is provided for except the necessary relations between the general government and the municipality for maintaining the political unity of the State, regulating the power to suspend resolutions conferred by the constitution upon the president of the republic and the governor of the province.

In brief, the Spanish municipal law of 1877 is a conservative adaptation of the law of August 20, 1870, which was pervaded by the strong spirit of the French centralization of the first Napoleonic empire, and corresponded to that class of political ideas. The project which we submit is inspired by modern scientific ideas, and particularly by the sound principles of local government endorsed by the National Municipal League of the United States.

This much being laid down, it is essential to specify the plan followed in the arrangement of the titles and chapters into which the project of law is divided, making such explanations as may be proper in each case, according to the purpose previously announced.

The said project consists of eight titles, and the first of them, which is after the manner of a declaration of principles, relates to the general definition of the municipality, setting forth sufficient to show clearly that the new constitutional Cuban municipality has its own individuality and administrative autonomy.

The second title discusses municipal districts and their inhabitants, being divided into three chapters. The first chapter, "relating to the creation, fusion, segregation and abolition of municipal districts," reserves to congress the power to legislate upon these subjects, the initiative in such matters resting with the inhabitants of the locality affected; and it is declared that wherever there may be a group of inhabitants, distant from the centers of population, they may proceed to form a municipal organization, provided the necessary elements of wealth exist to defray the expenses of self-government. The second chapter relates to the inhabitants of municipal districts, prescribing their rights and duties, and one of its salient features is the declaration that a foreigner who resides in the country continuously for five years, and exercises a profession, or is the owner of real estate, or possesses a mercantile, manufacturing or industrial establishment, is considered a resident for all the purposes of this law, unless he declare his will to the contrary. The third chapter discusses "Registers of Population", and systematizes the quinquennial formation of the registration lists, and the corrections to be made therein and the remedies, in a proper case, which may be pursued by the persons whose names have been omitted or improperly registered.

The third title treats of the "Organization of the Municipal Government," being subdivided into four chapters. The first chapter relates to the organization of the municipal council, fixing the maximum number of councilmen at twenty-seven, in con-

trast with the existing law, which limits the number to thirty. It contains the essentially novel feature of permitting a foreigner to become a councilman who, in addition to the necessary qualifications for becoming a resident of the municipal district, previously referred to, has his family there and pays the proper tax. It takes away the power of the administration to remove councilmen, reserving it to the ordinary courts. It provides for the election of the president and secretary of the municipal council. It does away with deputy mayors, syndics and associate members, which were part of the former machinery, and who find no proper place in the new organization; and seeks to amalgamate, in each municipality, official and social elements, creating—as a new institution—the office of associate members, which is to be filled by persons of prominence, making them cooperate in the work of the standing committees of each municipal council. Foreigners may be associate members, and associations and guilds may recommend for said office persons to represent them. Finally, new vigor is given to the special and obligatory committees upon “Treasury and Budgets” and “Territorial Taxes”, adding to them, in a prescribed proportion, taxpayers for different purposes. The second chapter relates to the “Organization of the Municipal Executive Power”, and apart from the provisions with respect to the separation of functions, previously mentioned, reserves to the ordinary courts the power to remove the mayor, whose suspension by the governor, in the cases prescribed by article 99 of the Constitution, is regulated by a previous hearing and the necessity of a resolution stating the reasons therefor. Provision is made for the substitution of the mayor by the president of the municipal council, the latter to receive one-half of the salary when the substitution exceeds ten days, and the whole salary if it should exceed two months. The establishment of the Departments of the Secretary, Treasury and Accountant is made obligatory in connection with the municipal administration; and, finally, the periodical meeting of the heads of departments, under the presidency of the mayor, is provided for, thus assuring uniformity of judgment in the municipal administration. The third chapter discusses “Barrio Mayors”, prescribing their powers and duties; it assigns a salary to them when

they are collectors of municipal taxes, and also substitutes, to be appointed by the municipal council upon the recommendation of the mayor. Finally, the fourth chapter treats of "Municipal Employees," specifying particularly the duties of the secretary of the municipal administration, the treasurer-collector and the accountant-auditor.

The fourth title is denominated "Functions of the Municipal Government," and is divided into three chapters. The first chapter relates to the powers and duties of municipal councils, conferring upon them ample power to regulate, in their deliberations and resolutions, the affairs of the municipality. As a matter of great importance, it provides that in the capital of the Republic the central power shall attend to matters of sanitation and of police, to public order, and to such public works as relate to embellishment, hygiene and progress, establishing for that purpose the services and works which are believed necessary, without thereby relieving of its inherent powers, the municipal council which is to contribute to the expenditures in such proportion as congress may determine. The principal powers and duties of the municipal councils are set forth in detail, keeping in view not only the promotion of the common welfare, but also that of culture. It is made possible, upon the private initiative of any municipality, for congress to adopt any legal modifications with respect thereto as may best protect and develop its peculiar interests. The question of public services is surrounded by special restrictions, so that if any municipality decides to enter the field of municipal industrialism, this can be done with ample guarantees to the people with respect to the handling of the people's money, and with sufficient technical precautions as to the safety and efficiency of the municipalized services; projects of this character being, subject, moreover, to the sanction of a referendum by means of the favorable vote of two-thirds of the electors of the municipal district, and to the creation of an obligatory reserve fund and sinking fund, in a proper case, of principal and interest, in the event of the contraction of a loan. The second chapter relates to the "Sessions of the Ayuntamiento," which are organized into four annual deliberative periods, without prejudice to the special sessions which may be necessary. The duties of the secretary

of the municipal council are prescribed; the adoption of a resolution with respect to the payment of money is prohibited at the same session in which it was proposed; the relations of the municipal council and the mayor with respect to the constitutional veto of the latter are regulated; and with respect to the power of the president of the republic and the governor of the province and the mayor to suspend resolutions of the municipal council, the law contains the essentially novel feature that these suspensions cannot be decreed upon the broad ground that the resolution is considered improper, but must be confined to the reasons specified in article 108 of the Constitution, it also being necessary to point out the provision violated by the municipal council and in what particular it is violated, the period for the exercise of the power to be six months in the case of the president of the republic, three months in the case of the governor, and ten days in the case of the mayor.

Finally, the third chapter discusses the powers and duties of the mayor in his new character as an official independent of the municipal council; it obliges him to address periodical messages to that body with respect to everything of importance to the municipal administration; it regulates the form and amount of fines which the mayor may impose, and the manner of collecting them; it empowers him to call the municipal council in special session, and the latter may cause the mayor to be present to give information upon matters coming before it, in which case he sits on the right side of the president; and, finally, it regulates leaves of absence of the mayor, fixing the duration thereof and the right to receive salary.

The fifth title of the law relates to the treasury of the municipality, and is divided into five chapters, each of which embodies interesting new features in relation to the special subject with which it deals. The first chapter merely establishes "General Provisions," such as the provisions against donating money or real property, and that neither the money nor the credit of the municipality shall be applied to anything foreign to the objects of the municipality, fixing a period of three years for the prescription of debts for taxes, and a like period for actions against municipalities for collecting credits. The

second chapter is entitled "Budgets," and provides that the projects of the same shall be prepared by the accountant, and when sent to the municipal council they shall be discussed and finally approved by it after a previous report of the proper committee, without the necessity of its actual approval by the department of the treasury. The expenses for personnel are limited—as especially unique details—with relation to the total amount of the budget, and if the project of the budget should not have been approved on the 1st of July, the previous budget shall prevail for the whole of the ensuing year, the liabilities being prescribed for the negligent officials. The third chapter, entitled "Treasury and Collections," provides as a new feature that the mayors of barrios situated some distance from the central part of the town may be entrusted with the collection of taxes, and fixes the bonds of treasurers, prescribing when they may be returned. The fourth chapter, relating to "Municipal Revenues," seeks to reinforce the revenues of the municipalities, in order that they may inaugurate the public services and promote the ends of culture as soon as possible. Provision would have been made for greater sources of revenue if a country were not involved which—according to the most authentic calculations published officially and extra-officially—with a public, social revenue not greater than \$120,000,000, is paying in taxes in general considerably more than \$40,000,000, or more than thirty-three per cent., when the most heavily taxed countries—France, England and Germany—pay but fifteen, fourteen and thirteen per cent. of their total social revenue. Although it is true the customs revenues are more than sufficient for the needs of the state, there being a surplus of several million dollars in the national treasury, it appears evident, on the other hand, that it would be inexpedient to increase municipal taxation as long as the customs tariffs are not reduced. Therefore, and in order to make the former compatible with the system of taxation of the state, the commission has proceeded cautiously in the conservative increases provided for in article 216 of the project of law, inasmuch as article 59, subdivision 1, of the Constitution reserves to the legislature the power to enact laws for the regulation and

organization of everything pertaining to the municipal administration.

With regard to the present sources of revenue which have been maintained, the law presents the following new features: The tax upon the assessable value of urban property may now reach a rate of twelve per cent. in all the municipalities; the rate on rural estates, which preserve the present maximum of eight per cent. for purposes of taxation, may be reduced to four per cent.; and the exemption of one-third of the tax which has hitherto been enjoyed by estates damaged by the war of independence has been abolished; the rates at present fixed for the collection of the tax on industries are estimated in the project of law as the maximum available rates, it being the province of the municipal councils to regulate them within the limits prescribed for each class; and the tax upon the slaughter of cattle may be as much as two dollars for each head of the larger size, and one dollar for each sheep, hog, or goat in all the municipalities. Taxes upon unimproved lots, and the proceeds from fines imposed by correctional judges, are new sources of revenue which may be availed of by the municipalities. The fifth chapter is entitled "Special Assessments," and is devoted to determining the procedure to be followed when the municipal council decides to have recourse to this form of raising revenue for the construction of pavements, side-walks, gutters on the public streets and sewers, where none exist. The manner of performing the work, of making the assessment, of determining what persons are subject thereto, and the manner of collecting the same, are new features of this subject.

The sixth title treats of the method of contracting loans. The Constitution empowers the municipalities to agree to loans, fixing the general lines to which they should conform, and the project of law prescribes the manner of making the same, the express purpose for which the funds obtained should be used, and the precautionary procedure which should be followed from the time the municipal council advances the idea of the loan until, by means of the referendum, the sanction of two-thirds of the electors of the district is obtained.

The seventh title, which is entirely new, relates to municipalities having a population not greater

than twenty thousand inhabitants, and as it pertains to the number of inhabitants of the entire municipal district, the result is that about fifty per cent. of our municipalities are included within this classification, and the benefit of the simplification of their organization and functions, to which this title relates, inures to all of them.

This classification is much more appropriate in Cuba than the current doctrinal one of urban and rural municipalities, since the latter constitute the immense majority in this country, and although such a classification is practicable enough in countries which have thousands of the former, it is not so with us, where there are only eighty-two municipalities.

New features of this title, aside from other details, consist in the fact that experts are designated to fill technical offices without regular incumbents having been appointed; that certain practices of the municipal administration are carried out verbally; that a special quorum is fixed for its sessions; and that, finally, the mayor is obliged to give an audience daily, with the presence of the secretary, for the purpose of hearing petitions which he shall pass upon forthwith, in certain cases, or not later than the following day when matters coming under his exclusive jurisdiction are involved.

The eighth and last title, which treats of "Remedies and Liabilities arising from the Resolutions of Municipal Councils and the Decisions of Municipal Mayors and Ward Mayors," is divided into two chapters, the first of which relates to remedies, and which clearly defines the cases in which recourse should be had to the ordinary courts and those which are reserved to the contentious-administrative courts. An essentially new feature is, that the final resolutions of the municipal council and those of the mayor, as the head of the municipal administration, put an end to the proceedings, the appeals to the governor of the province and the president of the republic, which signified the previous exhaustion of the administrative process, being abolished, and this implies great simplification in methods of procedure; although a petition for reconsideration may be previously interposed, within the period of fifteen days, and must be decided within the next three days. The subject of the revision of resolutions and the rescission of municipal contracts is regulated, taking into

consideration the administrative jurisprudence on that subject; and brief periods are fixed for the decision of all matters, every delay in the disposal of cases being characterized as a malicious infraction of the law and being punishable by fine. The second chapter relates to "Liabilities," and specifies those of an administrative nature which may be incurred by municipal officials, providing consistent penalties therefor, and it concludes by determining that the municipality shall be liable for all injury or damage attributable to negligence, danger, risk or obstructions in the public way; but the municipality shall be reimbursed by the official or employee who may have neglected his duties and furnished the occasion for the claims of private individuals. The latter, however, cannot institute legal proceedings without first having sought to obtain an adjustment of the matter through a petition to the municipal council, which the latter shall necessarily pass upon within the period prescribed for that purpose.

It is only fair to state that, notwithstanding the different lights in which the numerous problems presented by an Organic Municipal Law might have been considered politically, the cases in which questions have not been decided unanimously have been extremely rare, and even in these cases the differences of opinion have never been sufficiently wide to call forth a dissenting opinion. This demonstrates—as one of the guaranties of this project of law—that irrespective of party affiliations, the patriotic end of placing the new Cuban municipalities upon a firm and progressive foundation has been sincerely pursued in drafting it.

It only remains to say that, if the project meets with your approval, it will be necessary to adopt, as might be expected, certain special measures required for its strict application, inasmuch as its success, which is closely allied to the normal existence of the republic, depends thereon. It should also be observed that the substantial complements of this project of an Organic Municipal Law are the two other laws which have already been drafted, concerning Municipal Taxation and Accounting, and a decree providing for the immediate revision of the assessment rolls or the registries of landed property throughout the island; said decree and the two projects of law in question being considered a ne-

cessity for the administrative and financial development of the municipalities, according to the new organization and the functions which are prescribed for them in the political code.

It is important to state that, in the opinion of the Commission, this law should be promulgated as soon as possible, if it meets with your approval, so that what is established by the new regime in the organization and functions of the municipalities may be known to the people in the coming elections; however, the law should not go into effect until the date in which the mayors and councilmen-elect take possession of their offices.

The Commission congratulates itself upon the execution of its high trust, and considers it a special honor to cooperate with you in this work, which forms a signal epoch in the history of our institutional public law.

Yours respectfully,

E. H. CROWDER.—RAFAEL MONTORO.—FELIPE G. SARRAÍN.—JUAN GUALBERTO GÓMEZ.—BLANTON WINSHIP.—MIGUEL F. VIONDI.—F. CARRERA JÚSTIZ.—M. M. CORONADO.—MARIO G. KOHLY.—OTTO SCHOENRICH.—ERASMO REGÜEIFEROS.—ALFREDO ZAYAS.

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ORGANIC MUNICIPAL LAW

DECREE No. 568.

Havana, May 19, 1908.

Whereas, The Advisory Commission, instituted by Decree No. 284 of December 24, 1906, in compliance with the duty imposed upon it by paragraph 2nd of article 1 of said Decree, prepared a draft of the Organic Municipal Law, which, by order of January 27, 1908, was published with its exposition of motives and distributed to all offices, corporations, political parties, newspapers, and private parties, requesting the same, fixing a period of thirty days within which the Secretary of the Commission should receive all criticisms and objections to the said draft, for submission to and consideration by the Commission; and

Whereas, the criticisms elicited by this advance publication have been duly considered by the Advisory Commission which has formulated and presented to me its revised draft of said law,

By virtue of the authority vested in me as Provisional Governor,

I HEREBY DECREE

the following:

ORGANIC MUNICIPAL LAW

TITLE I.

GENERAL DEFINITION OF THE MUNICIPALITY.

Art. 1.—For the purposes of this law, a municipality is the local association, politically organized under the authority of the national legislative power and comprised within territorial limits naturally defined by necessary local relations.

MUNICIPALITY.

Art. 2.—The government of every municipality is vested in a municipal council and in a mayor.

GOVERNMENT.

Art. 3.—The municipal government has a dual capacity, in so far as its ends and functions are concerned. It is an entity vested with power to provide for the collective needs peculiar to the local association, comprised within the municipal district. And it is, in addition, an organization auxiliary to the central power which the state exercises throughout the national territory.

DUAL CAPACITY.

ENTITY WITH POWER.

AUXILIARY TO STATE.

Art. 4.—The municipal government shall enjoy autonomy in so far as it operates to provide for purely local needs, there being understood by autonomy a special power of initiative and action in matters exclusively pertaining to the municipality, the scope of such power being consequently confined to the limits of the municipality and always subject to the provisions of this law in each case.

AUTONOMY.

Art. 5.—When the municipal government acts as the agent of the executive power of the nation, it shall be subordinate to the latter.

LIMITATIONS.

SUBORDINATION TO STATE.

Art. 6.—The jurisdiction over all matters not vested in the government of the state, or in the provincial councils or governors, under the Constitution and the laws, shall be vested in the municipal

JURISDICTION.

STATE AND PROVINCE.

pal government. Consequently, the municipal government holds all powers necessary to provide for the collective needs of the local association comprised within the municipal district, the preservation, development and culture of which are the principal ends of the municipality.

**SEPARATION
OF POWERS.**

Art. 7.—The functions of deliberation and resolution vested in the municipal council, within the special sphere of municipal autonomy, on one hand, and, on the other hand, the executive functions and those of municipal administration, to be discharged by the mayor, shall be developed separately in the municipal government.

**FUNDS FURNISHED BY
STATE, AND
SUPERVISION.**

Art. 8.—Notwithstanding the autonomy of the municipality, when the state furnishes funds to cover in whole or in part the cost of any municipal service or work, it shall be understood that it reserves the right of supervision over such work or service during the performance or construction thereof.

**CLASSES OF
MUNICIPALITIES.**

Art. 9.—For the purpose of this law, municipalities shall be divided into three classes; *First*, those which have a population of more than one hundred thousand (100,000) inhabitants; *second*, those which have a population of more than twenty thousand (20,000) inhabitants, but not more than one hundred thousand (100,000); *third*, those which have a population of not more than twenty thousand (20,000) inhabitants.

TITLE II.

MUNICIPAL DISTRICTS AND THEIR INHABITANTS.

CHAPTER I.

*Constitution, Fusion, Segregation and Suppression
of Municipal Districts.*

**MUNICIPAL
DISTRICT.**

Art. 10.—The territory subject to the action of a municipality shall be called a "municipal district".

**MUNICIPAL
ORGANIZATION.**

Art. 11.—Wherever there exists a group of inhabitants, whose community of life calls for local relations within limits separated from other centers of population, a municipal organization shall be proper.

Art. 12.—In addition to the conditions prescribed in the preceding article as requisites for the municipal organization, there shall also be taken into consideration whether there are present the elements of wealth necessary to meet the cost of self government, even in the simplest form prescribed by this law, without a specific number of inhabitants being required, but only the fact that a separate governmental organization is demanded by the fundamental needs of communal life, and that such government is possible from an economic standpoint.

**ECONOMIC
REQUISITES.**

Art. 13.—The power to create or suppress municipal districts, or to segregate, annex or otherwise change the territorial limits or names of any town is reserved to the National Congress, hearing the respective municipal and provincial councils.

**CREATION
OR SUPPRES-
SION OF MU-
NICIPAL DIS-
TRICTS.**

Art. 14.—Proceedings for the suppression of a municipal district, on account of lack of means of support, or for other good reasons, may be instituted before Congress by the president of the republic or by a resolution of the municipal council, or at the instance of at least ten per cent. of the total number of permanent residents in the municipal district.

**PROCEED-
INGS FOR SUP-
PRESSION.**

Art. 15.—When the growth of the urban sections of two or more adjoining municipal districts shall cause them to become confounded and the dividing line between the same is not clearly defined, the municipal councils interested shall come to an agreement as to the determination of such boundary lines; and, if an agreement should not be possible, each municipal council shall forward the matter to the respective provincial council or councils, with whose report or reports Congress may, if it deems proper, decide upon the consolidation of said municipalities, determining in such case the form and time of such consolidation, and fixing also the place where the seat of the district is to be.

**CONFUSION
OF BOUND-
ARIES OF
MUNICIPAL-
ITIES.**

METHOD.

Art. 16.—When two or more municipal councils consider that the common interests of each municipality would be subserved by their consolidation, each council shall so resolve by a vote of at least two-thirds of the total number of councilmen which the council should have in accordance with this law.

**INITIATIVE
FOR CONSOL-
IDATION.**

Each municipal council shall forward a record of the proceedings to the proper provincial council, which shall send the same, with its report, to Congress for final decision.

SEGREGATION AND ANNEXATION.

Art. 17.—In order to resolve the segregation of part of a municipal district and the annexation of such part to one or more adjoining districts, it shall be necessary that at least ten per cent. of the permanent residents of the section of territory involved so request and that the municipal council of each municipality affected by said segregation give its consent by a vote of at least two-thirds of the total number of councilmen which the council should have in accordance with this law. Thereupon the question shall be submitted for report to the proper provincial council or councils and then forwarded to Congress for its action.

CREATION BY SEGREGATION.

Art. 18.—The segregation of part of a district, for the purpose of constituting a separate municipality by itself, or in conjunction with one or more parts of adjoining districts, may be made upon the initiative of at least ten per cent. of the permanent residents of the respective parts, provided the new district to be formed has the conditions required by this law, and that Congress so resolves, after the proceedings prescribed for the annexation or consolidation of municipal districts shall have been had.

CONSEQUENCES OF SEGREGATION OR ANNEXATION.

Art. 19.—In cases of annexation or segregation, the new territorial limits shall be established, and the division of property, benefits, public uses, credits, funds and taxes pending collection, shall be made in the proportion corresponding to the parts of the municipal districts in question, taking into consideration the amount of the revenue thereof in the respective parts of the districts whose limits are changed; without prejudice to private or other rights of property and the existing public servitudes, or to anything else which may be pleaded or which it is necessary to attend to. These matters shall be decided by resolution of the municipal councils interested, and, in default thereof, by the proper provincial council. If municipal councils of different provinces are involved, the decision shall be rendered by their respective provincial councils, and, if the lat-

ter should fail to agree, the matter shall be submitted to Congress for decision.

Art. 20.—Whenever matters pertaining to a change in the territorial limits of a municipality are submitted to the municipal council for consideration and report, in accordance with the provisions of the preceding articles, such report shall be made within fifteen days after receipt of the petition or request.

The provincial councils shall in all cases render their reports within fifteen days after receipt of the report of the municipal council or councils interested.

Art. 21.—Every municipal district must be comprised within a single province and a single judicial district, and if, through consolidation, a municipality lies in more than one province or judicial division, Congress, in passing on the matter, shall determine to which of them it is to belong, the judicial division being always harmonized with the administrative division.

Art. 22.—Each municipal district shall be divided into barrios of more or less the same number of inhabitants. In municipal districts containing barrios whose local spirit or history is so characterized as to merit attention as a social factor of the municipality, it shall be taken into account for the division into barrios.

Every suburb separate from the main part of the town, as also any other part of the municipal district separate from such main part, shall constitute a barrio, whatever be its population.

Art. 23.—Within thirty days after the organization of the municipal councils, in accordance with the law, they shall proceed to divide their municipal districts into barrios, according to the following rules:

(1) The municipal council shall, by resolution, direct the division, and the mayor shall make it public by means of edicts and by publication in the newspaper in which the municipality inserts its announcements.

(2) The permanent residents of the district may, within fifteen days after the date of the pub-

**CHANGE OF
TERRITORIAL
LIMITS.**

**TERMS FOR
REPORTS.**

**MUNICIPAL-
ITY TO BE IN
A SINGLE
PROVINCE.**

**JUDICIAL
AND ADMIN-
ISTRATIVE
DIVISION.**

**DIVISION
INTO BA-
RRIOS.**

SUBURBS.

**PERIODS FOR
DIVISION.**

**PUBLICA-
TIONS.**

PROTESTS.

**CONSIDER-
ATION OF
PROTESTS.**

lication of the resolution, make such protests as they may deem proper against the same.

(3) If there should be no protest, the resolution shall become final upon the expiration of said period. If there should be protests, the municipal council shall examine them and decide what it may deem proper, permanent residents being permitted to make use of the remedies established by Title VIII of this law.

**SUBSEQUENT
CHANGES.**

Art. 24.—After a municipal district shall have been divided in accordance with the provisions of this law, it cannot be changed before the expiration of two years, and then only in the event that, through the lapse of time, such division does not conform to the conditions and circumstances of good local administration; but it shall never be effected within the six months next preceding any ordinary election.

INITIATIVE.

Art. 25.—The proceedings for changing the division mentioned in article 23 shall be begun on the initiative of the municipal council or of at least ten per cent. of the permanent residents of the barrio, the procedure prescribed in article 23 of this law being pursued.

CHAPTER II.**THE INHABITANTS OF MUNICIPAL DISTRICTS AND THEIR
RIGHTS AND DUTIES.****INHABIT-
ANTS. RESI-
DENTS.**

Art. 26.—The inhabitants of a municipal district are permanent residents or transients.

**PERMANENT
RESIDENTS.**

Art. 27.—A permanent resident of a municipal district is any Cuban by birth or naturalization, who resides habitually in said district and who is entered as such upon the register of population (*padrón*) of the municipality, or who has applied for such registration in accordance with the provisions of article 32 of this chapter. Permanent residence implies domiciliary residence.

TRANSIENTS.

A transient is any person who, not being comprised in the provisions of the preceding paragraph, resides temporarily in the municipal district.

Art. 28.—A foreigner, who has resided uninterruptedly for five years in the country and who practices a profession, or is the owner of real property, or has a commercial, manufacturing or industrial establishment, shall be considered a permanent resident for all the purposes of this law, unless he makes a *bona fide* declaration to the contrary, addressed to the mayor.

**FOREIGNERS
AS PERMAN-
ENT RESI-
DENTS.**

Art. 29.—Every resident must be entered on the respective register of population.

**REGISTRA-
TION.**

A person residing alternately in more than one municipal district, shall choose one of them for the purposes of registration.

If a person should be registered in more than one municipal register of population, the last registration shall be held to be valid, the earlier ones thereupon becoming null.

Art. 30.—The condition of a permanent resident shall be declared by the respective mayor, either on his own motion or at the instance of a party in interest.

**DECLAR-
ATION OF
PERMANENT
RESIDENCE.**

Art. 31.—The mayor shall, on his own motion, declare every emancipated Cuban, who shall have resided uninterruptedly in the municipal district one year at the time of the preparation or revision of the register of population, to be a permanent resident. He shall make a like declaration with regard to any person who at such time fills a public office which requires a fixed residence, even though a full year of residence shall not have been completed; and this shall also be done with respect to foreigners included in the provisions of article 28.

**MAYOR
SHALL MAKE
DECLARATION**

Art. 32.—The mayor shall at any time declare any emancipated Cuban citizen or foreigner, legally qualified therefor, to be a permanent resident, upon his request, without such act exempting the petitioner from the payment of the municipal taxes accruing against him, up to the date of such declaration, in the municipal district constituting his prior residence; but the petitioner must establish that he has resided continuously in the new municipal district for a period of not less than three months. The appeal

**PETITION
FOR DECLAR-
ATION.**

APPEAL.

established by article 40 of this laws lies from a decision denying such declaration.

**RIGHT OF
ACTION IN
PROTEST.**

Art. 33.—All inhabitants of a municipal district have a right of action in protest against the resolutions of municipal councils directly affecting them or of a communal character.

**EQUAL
RIGHTS.**

Art. 34.—All permanent residents have equal rights to enjoy the communal property and the rights and benefits extended by the municipal government.

CHAPTER III.

THE REGISTER OF POPULATION

**REGISTER
OF POPULA-
TION.**

Art. 35.—The municipal administration shall be obliged to prepare the register of population, that is to say, a detailed statement of all the inhabitants of the municipal district, setting forth their condition as permanent residents or transients, and name, age, sex, civil status, race, occupation, nationality, residence and other circumstances of a statistical character required for a proper municipal administration.

**ADMINIS-
TRATIVE REG-
ISTER.**

Art. 36.—The register of population is a formal, public and authentic instrument, available for all administrative purposes.

**QUINQUEN-
NIAL REGIS-
TER OF POPU-
LATION.**

Art. 37.—Every five years a new register of population shall be prepared, to be revised every intermediate year, by inscriptions made either officially or at the instance of interested parties, and by eliminations due to legal incapacity, death or change of residence, which have taken place during the year.

CORRECTIONS.

**DECLA-
RATIONS.**

Residents who change their domiciles, the parents or guardians of those who become incapacitated, the judges who declare the incapacity, and the testamentary and other heirs of deceased persons, are obliged to present the proper declaration to the respective mayors, in order that the elimination may be made.

**DATA OF THE
MUNICIPAL
COURT.**

The municipal judges, being in charge of the civil register shall remit, every fifteen days, to the mayor of the municipality a signed and sealed statement of births, marriages, and deaths, giving names, and surnames, residence, citizenship, age and profession.

Art. 38.—Every time the quinquennial register of population is made or the annual revision takes place, the mayor shall cause to be published a résumé of the changes which have occurred during the year, with a statement of the total number of inhabitants in the municipal district.

**PUBLICA-
TION OF COR-
RECTIONS.**

Art. 39.—The register of population and the revision shall be made in the month of January and shall be open to inspection in the office of the secretary of the municipal administration, during office hours on working days.

**REGISTER
AND CORREC-
TIONS.**

During the following fifteen days, the mayor shall receive the protests, which any resident in the municipal district may make against the register of population or the revision thereof, and shall render a decision thereon during the remainder of the month, immediately communicating such decision to each person interested.

PROTESTS.

Art. 40.—The appeals provided for in article 266 shall lie against such decisions of the mayor.

APPEALS.

After the proper corrections shall have been made, the register of population shall be declared closed, the revised lists thereupon being published.

Art. 41.—The mayor shall forward to the president of the republic and to the provincial governor, during the last month of each fiscal year, a statement of the total number of permanent residents, and transients.

**REPORT OF
MAYOR.**

TITLE III.

ORGANIZATION OF THE MUNICIPAL GOVERNMENT.

CHAPTER I.

Organization of the Municipal Council.

Art. 42.—The members of the municipal council shall be called councilmen, to be elected, by direct suffrage, in the proportion determined in the following article.

**ELECTION
OF COUN-
CILMEN.**

Art. 43.—The number of councilmen in each municipality shall conform to the following graduated scale, based upon the national census of population, with the modifications made necessary by the register:

NUMBER.

Up to one thousand five hundred inhabitants, five councilmen; from one thousand five hundred and one to three thousand, seven councilmen; from three thousand and one inhabitants, to ten thousand, nine councilmen; from ten thousand and one to thirty thousand, fifteen; from thirty thousand and one to one hundred thousand, twenty-one; from one hundred thousand and one inhabitants upward, twenty-seven councilmen.

**CHANGE OF
NUMBER.**

Art. 44.—When a municipal council is of the opinion that, owing to the increase in the number of inhabitants in the municipal district, it is entitled to a larger number of councilmen, it shall so declare, upon the presentation of data establishing this fact. Certified copies of the minutes of the session and of the antecedents in the matter shall be forwarded to the president of the republic and to the governor of the province, as soon as the resolution becomes final.

ELECTION.

The election of the additional councilmen shall take place at the first renewal of the municipal council.

CLASS.

The municipal council shall determine by lot the new councilmen whose term of office shall expire in two years, and those whose term shall expire in four years, for the purpose of complying with the provisions of article 51. Such determination shall be made by the municipal council at one of the first three sessions which it may hold after the elections.

REDUCTION.

A municipal council shall also declare that it should have a lower number of councilmen than it actually has, upon complying with requisites similar to those necessary for the preceding declaration. In such case, the next renewal of the councilmen shall be effected in the following manner: The councilmen of the series to be renewed shall discontinue in office, as well as such number of councilmen whose term of office would not expire until the next renewal as may be necessary to reduce them to the respective proportion, according to the number that the municipal council is to have thereafter, the councilmen who are to discontinue in office being determined by lot, after which the other portion of the total number of councilmen which the municipal council is to have thereafter shall be elected.

**REORGANIZATION OF
PERSONNEL.**

If the municipal council should become one of the class referred to in Title VII, it shall reorganize its personnel and services as soon as the newly elected councilmen shall take possession of their offices.

In such case, if the municipal council should not do so, the provincial council may, on its own initiative, or at the suggestion of the governor, or at the instance of permanent residents of the municipal district, adopt a resolution changing the class of the municipal council, after hearing said municipal council and establishing the facts which are the grounds for the resolution.

Art. 45.—In order to be a councilman it shall be necessary:

(1) To be a Cuban by birth or naturalization and to have resided at least one continuous year in the municipal district in question at the time of election, or to be a foreigner with five years residence in the Republic and of the latter, the last year in the municipal district, and besides to have a family, or commercial or industrial establishment, or own property, or practice a profession or industry, and pay the proper tax. This latter requisite of residence shall not be required of persons who show that they have been holding public office or commission which has prevented them from residing in the municipal district.

(2) To have attained the age of twenty-three years.

(3) To be in the full enjoyment of civil and political rights.

(4) To know how to read and write.

Art. 46.—The following cannot be councilmen:

(1) Persons disqualified by judicial sentence.

(2) Persons directly or indirectly interested in services, contracts, concessions or the furnishing of supplies with or for the account of the municipality, and the employees of such persons.

(3) Persons who are debtors by reason of deficits in accounts, or bonds, to the municipal funds, against whom compulsory process has issued.

(4) Persons parties to administrative, contentious-administrative or judicial proceedings against the municipality or against any establishment which is under its jurisdiction or administered by it.

A councilmen-elect may enter upon the discharge of his office if he causes the ground of disqualification referred to in subdivisions 2, 3 and 4 of this article, to

REQUISITES.

CUBAN.

AGE.

ENJOYMENT OF RIGHTS.

EDUCATION.

DISQUALIFI- CATION.

JUDICIAL SENTENCE.

INTEREST IN SERVICES, ETC.

SPECIAL DEBTORS.

LITIGANTS.

DISQUALIFI- CATION RE- MOVED.

be removed before the date upon which he is to enter upon his office, in accordance with article 60.

INCOMPATIBILITIES.

Art. 47.—The office of councilman is incompatible:

ELECTIVE OFFICES.

(1) With that of provincial councilman, governor, senator, representative or any other elective office.

JUDICIAL AND OTHERS.

(2) With offices in the judiciary or department of public prosecution, and with other offices declared incompatible by special provisions of a legislative character.

REMUNERATED WITH PUBLIC FUNDS.

(3) With offices remunerated from municipal, provincial or general funds, even though the salary attached thereto shall have been waived, excepting professors of official institutions, appointed after competitive examination.

OPTION.

In cases of incompatibility, the councilman-elect must make his choice before the day on which he would enter upon office under the law. Should he fail to do so, the office of councilman shall be understood to be vacant.

EXCUSES.

Art. 48.—The following may excuse themselves from being councilmen: persons who have formerly filled the office for two years at least, persons over sixty years of age, and those physically disqualified.

TIME FOR PRESENTATION.

Any elected councilman who should take possession of the office of councilman, without having presented any legal excuse, must continue in such office, unless some cause constituting a legitimate excuse shall have occurred subsequent to the election. Persons physically incapacitated may be excused at any time.

DISCONTINUANCE IN OFFICE.

Art. 49.—Councilmen shall discontinue in office when any of the causes of disqualification arise or they lose any of the conditions of eligibility.

LOSS OF RESIDENCE.

Art. 50.—Any councilman, who shall cease being a permanent resident of the municipality in which he has been elected, shall cease in the discharge of his duties.

Such changes of residence shall be established by means of a certificate issued by the secretary of the municipal administration of the district to which the councilman in question may have removed.

Art. 51.—Councilmen shall be elected for a term of four years, the number being renewed in part every two years.

TERM OF OFFICE.

Art. 52.—At the biennial renewals, any vacancies in the series not to be renewed shall be filled, always in accordance with the provisions of the electoral law; except the cases provided in article 44 of this law.

BIENNIAL RENEWALS.

Art. 53.—Councilmen may obtain leaves of absence from the municipal council, for periods not to exceed three months; but not more than one-fifth of the total number of councilmen which the municipal council should have, in accordance with this law, shall enjoy leave of absence at the same time.

LEAVES OF ABSENCE.

Councilmen shall require the authority of the president of the municipal council, in order to absent themselves from the municipal district on session days.

ABSENCE ON SESSION DAYS.

Art. 54.—Any absolute vacancy in the office of councilman which may occur in the interval between two elections, shall be filled in accordance with the provisions of the electoral law.

FILLING OF VACANCIES.

The vacancies shall be understood to be filled only for the unexpired term of the councilman who may have caused it.

Art. 55.—The office of councilman is obligatory, honorary and gratuitous. It shall not be obligatory for foreigners.

OFFICE IS OBLIGATORY, ETC.

Art. 56.—Resignations of councilmen, in order to be considered, must be presented individually, and the resignation of a majority of the members of the municipal council shall never be presented at the same time. The council shall pass on resignations in the order in which they are presented.

CONSIDERATION OF RESIGNATIONS.

Art. 57.—The right to act upon resignations, excuses, incompatibilities and disqualification of councilmen, is vested in the municipal council, and any permanent resident may institute proceedings in the last two cases.

ACTION ON RESIGNATIONS AND OTHER CASES. INITIATIVE OF RESIDENTS

LIABILITY.

Art. 58.—Councilmen shall be personally liable before the courts of justice, for the acts they perform in the discharge of their duties, if they violate the law by such acts.

REMOVAL.

Art. 59.—No councilman shall be removed, except by virtue of a final judgment of a court of competent jurisdiction, holding him to be guilty of a criminal offense which the laws in force punish by disqualification to hold public office.

ELECTIONS.

Art. 60.—Municipal elections shall be held every two years.

**TAKING
POSSESSION.**

The persons elected shall take charge of their offices the first day of the month following their election, if they have been proclaimed elected; and otherwise, within ten days after their proclamation.

**ALTERNATES
TAKING POSSESSION.**

An alternate for councilman shall take possession of his office within ten days following the occurrence of the vacancy he is to fill.

If the municipal council should not be in session, the president thereof shall immediately call a special session, for the purpose of installing the new councilmen in office. This session shall be held with whatever number of councilmen may be present.

OATH OF OFFICE.

In the act of taking possession each councilman and each substitute councilman shall take a solemn oath or affirmation, according to the following form:

**FORM OF
OATH.**

“I, do solemnly swear (or affirm) that I will support and defend the Constitution of Cuba against all enemies, and that I will observe and cause the same to be faithfully observed; that I assume this obligation freely, and without any mental reservations or intention of evasion, and that I will well and faithfully conduct myself in the office upon which I am about to enter, so help me God.”

**BEFORE
WHOM TAKEN.**

This oath or affirmation shall be taken before the president of the municipal council who may be acting at the time of the taking possession.

Associate members shall take the oath or affirmation in the same manner and form.

In the case of foreigners the oath or affirmation shall be limited to faithful performance of the duties of their office.

Art. 61.—After the biennial elections, the municipal council shall install in office the new councilmen, the members whose terms have expired withdrawing at once. Thereupon, under the temporary presidency of the senior councilman in point of service, or of the eldest, if there should be two or more of the same length of service, a president, vice-president and two secretaries shall be elected by secret ballot from among the members of the council.

**INSTALLING
IN OFFICE.**

The youngest councilman shall act as temporary secretary.

In the absence of both the president and vice-president at any session of the municipal council, the eldest councilman present shall preside.

Art. 62.—The secretaries shall be first and second, the latter to take the place of the former, and in the absence of both, the youngest councilman present shall act as secretary.

SECRETARIES.

Art. 63.—The voting shall be by ballots, which the councilmen, called in alphabetical order of surnames, shall deposit in the box provided for the purpose.

VOTING.

Art. 64.—Upon the conclusion of the voting, the temporary president shall take the ballots from the box, one by one, reading their contents aloud, the secretary reading them also. All the councilmen have the right to examine the ballots, the persons obtaining the largest number of votes being considered elected, lots being drawn in case of a tie. The temporary president and secretary shall vote last.

SCRUTINY.

Art. 65.—The temporary president having proclaimed the result of the election, the persons elected shall occupy their places, and thereupon the municipal council shall be declared constituted.

CONSTITUTION OF MUNICIPAL COUNCIL.

Art. 66.—The president and the councilmen-elect who may have attended, having been installed, the municipal council shall, in a proper case, install the new mayor, such act being entered on the minutes.

TAKING POSSESSION OF OFFICE.

At that time the mayor shall take the oath or affirmation before the municipal council, as provided in article 60.

In a similar manner the chiefs of departments and the barrio mayors shall take the oath or affirmation before the mayor, upon taking office.

**PRESIDENT
TION OF MU-
NICIPAL
COUNCIL.**

Art. 67.—The president of the municipal council shall represent the same. He shall direct the discussions, he shall vote therein, and in cases of ties he shall cast an additional deciding vote. He shall always vote last.

RELIEF OF.

The president of the municipal council cannot be relieved of said office, except by resolution of two-thirds of the total number of councilmen which the municipal council should have in accordance with this law. He shall also discontinue in office, if he loses his office of councilman.

The same procedure shall apply to the secretaries of the municipal council.

**ORGANIZA-
TION OF OF-
FICES.**

Art. 68.—It shall be the duty of the municipal council to organize the offices of the municipal government, fixing the number, salaries and functions of its employees, always within the general plan established in articles 2, 7 and 92 and other concordant ones of this law, and with the limitation of article 192 with regard to expenses for personnel; but everything in the nature of municipal administrative functions, remains under the authority of the mayor, who shall have direct charge, therefore, of the personnel, the office, duty or service in question.

**INCOMPATI-
BILITY FOR
OFFICE.**

No member of the municipal council shall be appointed to an office created during the term for which he was elected. Nor shall he receive during such term, nor for one year afterwards, any salary or remuneration provided for while he was a councilman.

**COMMITTEES
OF THE MUNI-
CIPAL COUN-
CIL.**

Art. 69.—The municipal council shall organize permanent committees of its own members, corresponding to the different departments of the municipal administration, not only for the division of the work, according to the different branches of the local government, but also for the purposes of the supervision which it has the right to exercise over such departments, in order to better protect the interests of the municipality; but this shall not be construed as preventing any member of the council from taking

any action, within the same, tending to the attainment of the ends entrusted to said committees. Two or more branches of government may be entrusted to one committee.

Said committees shall perform work of an interior character for the municipal council, which, with the explanations and reports the committees may submit, shall decide what may be proper, and such committees shall, in addition, have the right of initiative to propose to the council whatever they may deem proper in furtherance of the interests of the municipality, in matters pertaining to the branch to which the committee belongs.

The municipal council may also appoint from among its own members any special committee for the investigation of a specific matter or situation.

The designation of the councilmen to compose these committees shall be made by the municipal council.

In all of these committees each member shall have an equal right to introduce motions and all resolutions shall be adopted by a majority vote of those present. The quorum shall be constituted as provided in paragraph 2 of article 153, of this law. Such committees shall elect from their members a president and a secretary; excepting as provided in the municipal tax law, in relation to article 74 of this law.

Art. 70.—A number of permanent residents, citizens or foreigners not greater than the number of councilmen of the committee, shall form part of each of the committees referred to in the preceding article, as associate members, excepting the committee on the treasury and budget and the territorial tax committee.

The associate members of all the committees shall have the same right to vote as the councilmen.

Such associate members shall be designated by the municipal council; and these offices, which are honorary, obligatory and gratuitous, shall be filled only by appointment of persons of recognized standing in the municipality.

If there are any organized guilds, chambers of commerce, corporations or associations of a scientific, industrial, labor or like character in the municipality, the president of the municipal council shall request such bodies to designate one or more of their

DUTIES.

SPECIAL COMMITTEES.

DESIGNA- TION OF MEM- BERS.

ASSOCIATE MEMBERS.

RIGHT TO VOTE.

QUALIFICA- TIONS.

**FOREIGN AS-
SOCULATE MEM-
BERS.**

members, of any nationality, for appointment as as-
sociate members.

The number of foreign associate members shall
not exceed one-half the number of associate members
which each committee may have.

**PERMANENT
COMMITTEES.**

Art. 71.—The municipal council shall, at the
second session after its renewal, fix the number of
permanent committees into which it is to be divided,
and immediately after the adoption of the resolution
on this point the election of the persons to compose
the committees shall be proceeded with by secret bal-
lot, the persons obtaining the largest number of votes
being elected, and ties being decided by lot.

The special committees shall be elected in the
same manner.

**TREASURY
AND BUDGET.****FIVE TO
SEVEN COUN-
CILMEN.****NINE COUN-
CILMEN.****FIFTEEN
COUNCILMEN.****TWENTY-ONE
COUNCILMEN.****TWENTY-
SEVEN COUN-
CILMEN.****ELIGIBLES.**

Art. 72.—The committee on the treasury and
budget shall be constituted in the following form:
In municipalities having five to seven councilmen,
with two such councilmen and two associate mem-
bers, one of whom shall be a tax-payer on real pro-
perty and the other on industry or commerce; in
those having nine councilmen, with three of said
councilmen and three associate members, who pay
taxes on rural property, urban property or on in-
dustry or commerce, respectively; in those having
fifteen councilmen, with four of such councilmen,
and the same number of associate members, paying
taxes on urban property, rural property or on in-
dustry or commerce, respectively; in those having
twenty-one councilmen, with five of such council-
men, and five associate members, four of whom shall
pay taxes as above prescribed, and one on arts and
trades; in those having twenty-seven councilmen, with
six of such councilmen, and an equal number of
associate members, that is to say, five having the
qualifications mentioned in the preceding case, and
one paying a tax under title III of the law of munici-
pal taxation.

The associate members referred to in this ar-
ticle may be citizens or foreigners, and they shall
be designated from among the twenty taxpayers
of the municipal district, who individually pay the
highest quota in each respective class, this number

being extended to include all those who pay the same quota as the taxpayer whose name appears in the twentieth place on the list.

If the number of taxpayers in any class should not reach twenty, they shall be selected from the number there may be.

EXCEPTION.

Art. 73.—A territorial tax committee shall be constituted as follows:

TERRITORIAL TAX COMMITTEE.

Councilmen in Council	Councilmen forming part of committee	ASSOCIATE MEMBERS	
		For urban	For rural
Five to seven	Two	Two	Two
Nine	Three	Three	Three
Fifteen	Four	Four	Four
Twenty-one	Five	Five	Five
Twenty-seven	Six	Six	Six

Upon designating associate members no regard shall be paid to their nationality.

Art. 74.—In February of each year the municipal council shall appoint a committee for taxation upon industries, commerce, professions, arts or trades.

**COMMITTEE
ON TAXATION
OF INDUSTRIES,
COMMERCE,
PROFESSIONS,
ARTS AND
TRADES.**

Said committee shall be composed of three councilmen and three associate members, taxpayers on some one of said items of taxation. Upon designating the associate members their nationality shall not be taken into account.

This committee shall undertake the preparation of the general register of such taxpayers, and every three months it shall make an inspection to ascertain whether the increase or decrease in the number of taxpayers corresponds to the facts, making a report to the municipal council of its inspection.

DUTIES.

Art. 75.—The disqualifications, incompatibilities and excuses with reference to the office of associate member shall be the same as for the office of councilman, except as otherwise provided in this law; and the municipal council shall act thereon, immediately filling any vacancies which may occur.

DISQUALIFICATION, INCOMPATIBILITIES AND EXCUSES OF ASSOCIATE MEMBERS.

**REMOVAL
OF ASSOCIATE
MEMBERS.**

In all cases the municipal council may, by a resolution adopted by two-thirds of the total number of councilmen which the council should have in accordance with this law, remove an associate member for just cause, after hearing the person interested.

**TERM OF
OFFICE.**

Art. 76.—The term of office of an associate member shall be two years. After the first year, however, any associate member desiring to do so, may resign.

**NON-ATTEND-
ANCE.**

Art. 77.—Any excuse for non-attendance at the sessions of the committee by an associate member, must be based upon a good cause duly established before the president of the municipal council.

PENALTIES.

Art. 78.—The absence of an associate member, without justification, from a session to which he had been duly summoned, shall be punished by the imposition of a fine of five dollars in municipalities having twenty thousand or less inhabitants; of ten dollars in municipalities having from twenty thousand and one to one hundred thousand inhabitants; of fifteen dollars in municipalities having more than one hundred thousand inhabitants. In the event of a repetition, the fine shall be doubled.

**HOW COL-
LECTED.**

If the fine should not be paid within the term of ten days after service of notice thereof, the proper certification shall be sent to the respective municipal judge for collection of the fine by compulsory process, without prejudice to the office being declared vacant, in accordance with the provisions of article 46, third subdivision, and of article 75.

**BY WHOM
IMPOSED.****APPEALS.**

The fine shall be imposed by the president of the municipal council, and an appeal for a reconsideration shall lie to the said president within five days, who shall render a decision within a similar period. A contentious-administrative appeal lies from a decision denying a reconsideration.

VACANCIES.

Art. 79.—The secretary shall report to the president of the municipal council any vacancies on the respective committees in the offices of associate members, due to death or legal cause, steps being taken to fill such vacancies.

CHAPTER II.

ORGANIZATION OF THE MUNICIPAL EXECUTIVE POWER.

Art. 80.—The mayor is the chief of the executive power of the municipality, and also of the municipal administration.

MAYOR.

Art. 81.—The mayor of a municipality shall be elected by direct election, in the manner and at the time prescribed by the electoral law. His term of office shall be four years.

ELECTION
OF MAYOR.

Art. 82.—The mayor shall receive from the municipal treasury a salary which may be changed at any time; but any change made shall not go into effect until after new elections shall have been held and the mayor shall have taken possession of his office.

SALARY.

Art. 83.—The following qualifications shall be necessary to be a mayor:

QUALIFICA-
TIONS.

(1) To be a Cuban by birth or naturalization, and to have, at least, six months continuous residence in the municipal district. The latter requisite of residence shall not be required of persons who show that, on account of holding public office or commission in the service, they have been prevented from residing in the municipal district.

CUBAN.

(2) To have attained the age of twenty-three years.

AGE.

(3) To be in the full enjoyment of civil and political rights.

FULL EN-
JOYMENT OF
RIGHTS.

(4) To know how to read and write.

EDUCATION.

Art. 84.—The following cannot be mayors:

DISQUALIFI-
CATIONS.

(1) Persons disqualified by a judicial sentence.

JUDICIAL
SENTENCE.

(2) Persons directly or indirectly interested in services, concessions, contracts or the furnishing of supplies with or for the account of the municipality, and the employees of such persons.

PERSONS IN-
TERESTED IN
SERVICES,
ETC.

(3) Debtors by reason of bonds or deficits in accounts to the municipal funds, against whom compulsory process may have issued.

DEBTORS.

**LITIGANTS
AGAINST THE
MUNICIPAL-
ITY.**

(4) Persons involved in administrative, contentious-administrative or judicial controversies with the municipality, or with any institution under its jurisdiction or administered by it.

**DISQUALIFI-
CATIONS.**

A mayor-elect may enter upon the discharge of his office, if he removes the cause of disqualification referred to in the second, third and fourth cases of this article, before the date on which he should take possession of his office, according to articles 60 and 66.

**INCOMPATI-
BILITIES.**

Art. 85.—The office of mayor is incompatible:

**ELECTIVE
OFFICES.**

(1) With that of provincial councilman, senator, representative, or any other elective office.

**JUDICIAL
AND OTHER
OFFICES.**

(2) With offices in the judiciary and in the department of public prosecution, and other offices declared incompatible by special provisions of a legislative character.

**REMUNERAT-
ED OFFICE.**

(3) With offices remunerated from municipal, provincial or general funds, even though the salary shall have been waived, excepting professorships of official institutions secured after competitive examination.

**ELECTION
OF OFFICE.**

In cases of incompatibility the person elected must choose, before the date on which he should take legal possession of office, the office he intends to retain. Should he fail to do so, it shall be understood that the office of mayor is vacant.

**SUSPENSION
OF MAYOR
FOR DISQUAL-
IFICATION OR
INCOMPATI-
BILITY.**

Art. 86.—Whenever, in the opinion of the municipal council or any elector, the mayor is included in any cause of incompatibility or disqualification, said council or elector shall make a report thereof to the governor of the province, in order that he may direct the suspension of such mayor if he deems it proper.

**SUSPENSION
OF MAYOR
FOR VIOLA-
TION OF CON-
STITUTION,
ETC.**

Art. 87.—The governor of the province may suspend the mayor from office in cases when he exceeds his powers, violates the Constitution or the laws, or for infractions of the resolutions of the provincial council, or failure to comply with his duties.

HEARING.

Art. 88.—Every order of suspension shall set forth the cause therefor and shall be issued after

hearing the mayor, who shall, for this purpose, be informed by the governor of the charge against him.

The mayor may within the next ten days make an answer in his defense, and the governor shall render his decision, with or without the written answer, within the next three days.

The suspension having been decreed, it shall be carried into effect, and the governor shall forthwith make a report to the provincial council. He shall also communicate the facts to the fiscal of the respective audiencia, in cases of criminal offenses.

Art. 89.—The mayor may appeal from the suspension decreed by the governor, to the president of the republic, within ten days from the date of service of notice. A contentious-administrative appeal lies from the decision of the latter.

If the contentious-administrative appeal should be dismissed, or if it should not be interposed within the legal term, the suspension shall be converted into removal from office; and this shall also take place if the mayor fails to appeal to the president within the legal term, after he shall have been suspended by the governor.

Art. 90.—In the temporary or permanent absence of the mayor, he shall be substituted in the discharge of his duties by the president of the municipal council, or the person acting in his stead. If the absence be permanent, the substitution shall continue until the end of the term for which the mayor may have been elected.

Art. 91.—When the president of the municipal council or the person acting in his stead, shall substitute the mayor for a period exceeding ten days, he shall draw a salary equal to one-half that received by the mayor. When the substitution exceeds two months, his salary shall be equal to that assigned the mayor. The salary referred to in this article shall begin in the former case, on the eleventh day of the substitution, and in the latter case, at the beginning of the third month of the substitution.

Art. 92.—The administrative functions of each municipality shall be organized into departments, which shall constitute the offices of the municipal

**RESOLUTION
OF THE GOV-
ERNOR.**

PROCEDURE.

**APPEAL BY
THE MAYOR.**

**REMOVAL OF
THE MAYOR.**

**SUBSTITU-
TION OF THE
MAYOR.**

**SALARY OF
THE SUBSTI-
TUTE MAYOR.**

WHEN DUE.

**ORGANIZA-
TION OF DE-
PARTMENTS.**

CHIEFS.
NUMBER OF DEPARTMENTS.
MINIMUM TO BE THREE.

administration, for the purpose of attending to the various branches of the public service of the municipality, which departments shall have at their heads chiefs of equal rank. Each municipal council may fix the number of these departments as it may deem advisable for the proper service in local matters, entrusting one or more services to a single department, or otherwise; but there shall always be at least three departments: the first, to have charge of the treasury and collections; the second, to have charge of accounting and auditing; and the third, to have charge of the duties of the secretary's office, comprising in this case all other municipal subjects or services; without prejudice to the exceptions of article 133 and of Title VII of this law.

DEPARTMENT OF TAXATION.

In municipalities having a population of over one hundred thousand inhabitants there shall also be a department of tax administration which shall be in charge of the preparatory proceedings in collections, compulsory proceedings and of investigation in all debts due the municipality, and shall perform the functions, except those of auditing or collection, conferred by this law, the municipal accounting and the municipal tax laws upon auditors and treasurers in other municipalities; vesting in the chief of said department all the powers, duties and liabilities which this and the aforementioned laws provide in respect to the auditor and treasurer, in such matters.

JURISDICTION OF MUNICIPAL COUNCIL.

SALARIES.

RECOMMENDATIONS OF THE MAYOR.

Art. 93.—All that which pertains to the organization of departments or their modification, in a proper case, is definitely under the charge of the municipal council, which shall also have the right to fix, within the limits established by article 192, the salaries of the officials who are to render such services; but the mayor may recommend to the municipal council the plan of organization he may consider most advisable.

CABINET COUNCIL OF THE MAYOR.

Art. 94.—The heads of the departments of the municipal administration shall meet in the office of the mayor, under the presidency of the latter, at such periodical intervals as he may fix, which shall be at least twice a week, in order that each of them may report the condition of the services of his department and any proposed work for the fullest development of the general interests of the municipality,

for the purpose of obtaining unity of action in the municipal administration.

Art. 95.—All the municipal offices are public, as are the books and documents, and a sufficient time shall be fixed daily in order that they may be examined by any person wishing to do so.

**PUBLICITY
OF OFFICES
AND RECORDS.**

Art. 96.—Every head of a department of the municipal administration shall, during the first three days of each month, forward to the president of the municipal council a brief report setting forth the status of the matters under his charge during the preceding month. Such reports shall be transmitted to the proper committee, which shall make a report thereon, if necessary, the secretary thereupon submitting them to the municipal council.

**MONTHLY RE-
PORTS OF DE-
PARTMENTS.**

CHAPTER III.

BARRIO MAYORS.

Art. 97.—There shall be barrio mayors wherever the municipal council shall deem it necessary, for the purpose of furnishing all the inhabitants of the municipal district with the services of the municipal government.

**BARRIO
MAYORS.**

Art. 98.—The barrio mayor shall exercise and represent, by delegation, the municipal authority; and in such capacity obedience shall be due him in his district from the respective police agents. He shall make an immediate report to the municipal mayor of any deficiency or irregularity that he may observe in the services or public works of the municipality.

**POWERS
AND DUTIES.**

Art. 99.—Barrio mayors shall be appointed by the municipal council, on the recommendation of the municipal mayor. They may be removed by the municipal council whenever a new municipal mayor enters office, but always on the recommendation of the latter. They may also be removed at any other time by the municipal council for just cause, duly established, after hearing the interested party.

**APPOINT-
MENT AND
REMOVAL.**

Art. 100.—Every barrio mayor shall have his substitute, who shall be appointed and removed in the manner prescribed by the preceding article.

SUBSTITUTE.

SECRETARY.

When the barrio mayor is a collector of taxes, he may have a secretary.

DUTIES.

Art. 101.—In addition to the functions which other laws, or the resolutions of the municipal councils, expressly entrust to him, the barrio mayor shall permanently perform the following duties:

**MEDIUM
OF COMMUNI-
CATION.**

(1) To be the medium of communication between the inhabitants of the barrio who apply to him, and the superior municipal authorities, keeping, therefore, a register of documents and correspondence received and another of those sent.

**LIVE STOCK
REGISTER.**

(2) To have charge of the live stock register, unless otherwise provided by the municipal council, in accordance with the legislation upon the subject.

**REGISTER
OF LICENSES.**

(3) To keep a register of licenses for establishments of all kinds.

**EXECUTION
OF ORDERS,
ETC.**

(4) To execute and comply with such requisitions and notifications, orders and circulars as he may receive from superior authorities.

**EXECUTION
OF MUNICI-
PAL ORDI-
NANCES.**

(5) To exercise the necessary vigilance to secure compliance with the municipal ordinances and provisions of a general character emanating from the municipal council or the municipal mayor, reporting to the latter any violations thereof that he may observe, for the purpose of the imposition of the respective fines, if proper.

HIGHWAYS.

(6) To take care that the public highways and rights of way are kept in a good condition.

**MEDICAL
ATTENDANCE.**

(7) To issue tickets providing for medical attendance at the homes of the poor.

**ASSISTANCE
TO STATE OF-
FICIALS.**

(8) To furnish the assistance which, by reason of their functions, may be demanded by the agents of the treasury, treasury inspectors, or any delegate of the central power.

**BURIAL OF
PAUPERS.**

(9) To issue permits for the burial of paupers and to take all necessary steps in cases of death without medical attendance, including the inscription in the civil registry.

**ABANDONED
CORPSES.**

(10) To take charge of abandoned corpses, making a preliminary investigation, until the arrival of the court.

**CERTIFICATE
OF LIFE.**

(11) To report in proceedings for the issue of certificates of life.

**ACCIDENTS,
ETC.**

(12) To report immediately to the municipal mayor any interruption in the public services, and

any accidents and imperfections that he may observe therein, such as the breakage of water pipes, the sinking of bridges, and any other of a similar character which he should report.

(13) To discharge the duties of collector of municipal taxes, whenever he is delegated to do so, according to the provisions of article 207.

COLLECTOR.

(14) To co-operate in the enforcement of the provisions prohibiting the presence of children of school age in the public streets, except for good cause, during school hours.

**ATTENDANCE
AT SCHOOLS.**

Art. 102.—The obligations enumerated in the preceding article may be entrusted, in whole or in part by the municipal council, to other officials, whenever there is no mayor in a barrio.

EXCEPTIONS.

Art. 103.—The office of barrio mayor is obligatory, gratuitous and honorary, but the barrio mayor discharging the duties of a collector of municipal taxes shall draw the salary the council may fix, within the limits prescribed by article 192 of this law.

**OFFICE GRA-
TUITOUS AND
HONORARY.**

**SALARY AS
COLLECTOR.**

CHAPTER IV.

MUNICIPAL EMPLOYEES.

Art. 104.—All municipal officials and employees who are not named by popular election shall be appointed and removed by the municipal council, as prescribed by the civil service law and the provisions of this law; but the mayor shall appoint and remove the employees of his office, subject to the same provisions.

**APPOINT-
MENT AND
REMOVAL OF
OFFICIALS
AND EMPLOY-
EES.**

The appointment of the secretary of municipal administration and officials and employees of municipal police shall be made upon nomination by the mayor.

All other appointments shall be revoked by the municipal council if the mayor protests against them, and appointments shall be made of other persons.

Art. 105.—The mayor may decree and enforce the suspension of any employee of the municipal administration, whose removal he may have recommended to the municipal council, always observing the provisions of the civil service law.

**SUSPENSION
OF EMPLOY-
EES.**

**SECRETARY
OF MUNICIPAL ADMINIS-
TRATION.**

Art. 106.—In order to be secretary of the municipal administration, it is necessary to be a Cuban citizen, by birth or naturalization, over twenty-three years of age, to be in the full enjoyment of civil and political rights, and not subject to any of the incompatibilities mentioned in the following article.

INCOMPATIBILITIES.

Art. 107.—The following shall be ineligible for the office of secretary of the municipal administration:

- (1) Councilmen of the same municipal council.
- (2) Notaries and court clerks.
- (3) Public employees.
- (4) Persons included in any of the cases of article 46 of this law.

FUNCTIONS.

Art. 108.—The secretary of the municipal administration shall be the head of the secretary's department of the municipal administration, and, in addition to the duties which other laws or the resolutions of the municipal council expressly entrust to him, it shall be his duty:

**GENERAL
DUTIES.**

(1) To organize and exercise an inspection over and attend to everything connected with the office of which he is the head.

**PREPARA-
TION OF PRO-
CEEDINGS.**

(2) To take action on and prepare for decision, cases coming under his department.

**CUSTODY OF
DOCUMENTS.**

(3) To keep in his custody, under his strictest liability, the documents received from the municipal executive containing resolutions of the municipal council.

**REPORTS TO
MAYOR.**

(4) To propose, without delay, to the mayor, anything which may be proper for the execution of the resolutions of the municipal council which have become final, making, under his strictest liability the date of the report of each matter to the mayor appear in the record.

**REGISTERS.
CERTIFICATES.**

(5) To see that registers of the documents and official correspondence received and sent are kept.

(6) To issue and sign the certificates which the mayor may order prepared.

**CUSTODIAN
OF RECORDS.**

(7) To have in his custody the records of the municipality, as a duty attached to the office of the secretary of the municipal administration, where there is no custodian of records.

(8) To act as secretary at the meetings prescribed by article 94 of this law.

**SPECIAL
SECRETARY.**

(9) To prepare the material for messages, reports, and other works entrusted to him by the laws or the mayor.

**MESSAGES,
REPORTS, ETC.**

(10) To have under his charge and direct the work of the register of population, under the authority of the mayor.

**DIRECTION
OF REGISTER.**

Art. 109.—The secretary of the municipal administration shall also perform all such duties as may be conferred by the codes, special laws, regulations, instructions and other provisions of a general character, upon the secretary of the municipal council, excepting those which continue vested in the latter, according to article 147 of this law.

**ADDITIONAL
DUTIES.**

Art. 110.—The accountant-auditor of the municipality shall be the head of the accounting and auditing department, and shall have the powers, duties and responsibilities prescribed by the municipal accounting law.

**ACCOUNT-
ANT-AUDITOR.**

**POWERS AND
DUTIES.**

Art. 111.—The treasurer-collector of the municipality shall be the head of the department of the treasury and collections, in which capacity he shall have the custody of the funds, and shall have the powers, duties and responsibilities prescribed by the municipal accounting law.

**TREASURER-
COLLECTOR.**

**POWERS
AND DUTIES.**

Art. 112.—Every municipal official or employee handling funds of the municipality shall, before entering upon the discharge of his duties, furnish the bond fixed by the municipal council, and, in addition thereto, he shall be required to render accounts. In no case shall the bond be personal. Contractors and concessionnaires, before beginning their work or service, shall likewise furnish a bond.

**BONDS OF
OFFICIALS,
EMPLOYEES,
CONTRACTORS
AND CONCESSIONNAIRES.**

**NOT TO BE
PERSONAL.**

Art. 113.—No municipal employee shall become interested, either directly or indirectly, in services, concessions, contracts or the furnishing of supplies connected with the municipality, under penalty of removal from office, and without prejudices to the criminal liability they may incur.

**EMPLOYEES
TO HAVE NO
INTEREST IN
CONTRACTS.**

TITLE IV.

FUNCTIONS OF THE MUNICIPAL GOVERNMENT.

CHAPTER I.

*Duties and Powers of the Municipal Council.***DUTIES AND
POWERS.**

Art. 114.—It shall be the duty of the municipal council, in every case, to take all proper steps to provide for the common needs of the municipality and any measures it may deem conducive to the prosperity and culture thereof.

**POWERS TO
REGULATE
MUNICIPAL
AFFAIRS.**

For these purposes, the municipal council is hereby vested with all powers necessary to regulate, by its deliberations and resolutions, all affairs of the municipality within the provisions of this law.

**TO BE A
JURIDICAL
PERSON.**

Art. 115.—A municipality shall be a juridical person for all the purposes of Chapter II, of Title II, Book First of the Civil Code, and in accordance with article 38 of said Code it may sue and be sued and acquire all kinds of rights, by any legal means, enjoying them in the form it may deem most favorable to the general interests of the community.

**MUNICIPAL
PROPERTY.**

Art. 116.—Every municipality shall have an inalienable and imprescriptible ownership, considered as property dedicated to public use, over the highways and roads within its district, over the streets, avenues, promenades, squares, water fronts, bridges, fountains, trees, and any other place of public use, including their respective soil and subsoil, if the latter should not be the subject of a concession by the state for the operation of mines.

**OWNERSHIP
OF ITS PRO-
PERTY.**

The municipality also has the public ownership of the property belonging to it and which it uses privately for the purposes of municipal public administration. This property, and that which constitutes, as communal or patrimonial, the private property of the municipality, used for private purposes, may be alienated, when the municipal council so resolves, as necessary or advisable, by a vote of two-thirds of the number of councilmen it should have in accordance with this law, upon a report of the committee on the treasury and budget. The sale shall always take place at public auction, advertising

PUBLIC SALE.

the same in two newspapers of the locality, if there are any published therein, for twenty days; in case there are no newspapers, the advertisement shall be made by posters.

The property of public ownership of the municipality, when it ceases to be dedicated to the general use of the residents, or the public purposes of the municipal administration, becomes part of the private property of the municipality.

Lands which, according to their original titles, appear to have been granted or donated to the original inhabitants or to the natives of the municipal district, or of the ancient towns, cities, or cities and towns with special characters, and which have not been acquired by third persons in any of the forms prescribed by law, shall also be considered as private property of municipalities, and may be recorded as such in the registries of property.

The provisions of this article shall not operate to prevent a municipal council, by a vote of two-thirds of the councilmen which it should have in accordance with this law, from ceding or alienating property of the municipality to the province or the state, for public uses.

Art. 117.—The provisions of the preceding article as to the alienation of the property of the municipality, shall always apply when it is desired to lease or encumber any property thereof, provided its value exceeds three thousand dollars.

Art. 118.—In order to institute judicial proceedings, make compromises, abandon legal remedies, or admit the allegations of petitioners, a resolution of the municipal council adopted by at least two-thirds of the number of councilmen which the council should have in accordance with this law, shall be necessary.

Art. 119.—The proceeds from the redemption of annuities from real estate of the municipality, or the alienation of its property, shall preferably be applied:

- (1) To the cancellation of charges on other property of the municipality.
- (2) To the payment of debts not included in its current obligations.

**PRIVATE
PROPERTY OF
THE MUNICI-
PALITY.**

**GRANTS OF
LANDS.**

**CESSION TO
THE STATE OR
THE PROVIN-
CE.**

**PROCEDURE
TO ENCUMBER
OR ALIENATE.**

**JUDICIAL
PROCEEDINGS,
ETC.**

**APPLICA-
TION OF PRO-
CEEDS OF
ALIENATIONS.**

CONTRACTS.

Art. 120.—The mayor may enter into contracts for municipal works and services, always after advertising for public bids, advertised as provided in article 116, reserving the right to reject one or all of the bids, and calling for new proposals; or, by a resolution of at least two-thirds of the total number of councilmen which the council should have in accordance with this law, enter directly into contracts for such works or services, under the most favorable conditions he can obtain, either in the event the bids received have been rejected or when no bids have been received.

EXCEPTION.

The provisions of this article shall not apply to contracts involving not more than two hundred dollars.

**MATERIAL
AND SUPPLIES.**

Art. 121.—The purchase of material and supplies in amounts exceeding two hundred dollars, must be made after public bidding, in accordance with the provisions of the preceding article.

**OMISSION
OF ADVERTISING FOR BIDS.**

Whenever the material and supplies are manufactured or sold by a single person or firm, they may be purchased directly, without advertising for bids, but the resolution authorizing such purchases shall set forth the reasons therefor.

COOPERATION OF MUNICIPALITIES.

Art. 122.—Municipal councils may join for the purpose of undertaking works of any character which interest two or more municipalities in common, designating for the purpose a mixed commission of two councilmen for each municipality, whose report shall be submitted in due time to each municipal council for action.

MIXED COMMISSION.**ESTIMATE OF COST.**

Said commission shall include in its report an estimate of the expenses and the means to meet the same, in an equitable proportion, by the municipalities interested.

SPECIAL INVESTIGATIONS.

Art. 123.—The municipal council may direct investigations to be made in any department or division of the municipal administration, as also of the acts or conduct of any official, contractor or concessionnaire of the municipality, in his relations with the same. In such cases the municipal council may delegate one or more councilmen to make such investigation, and may also detail an employee to act as secretary.

COMMISSION.

The investigating commission may take the testimony, under oath or affirmation, of as many persons as it may deem advisable, omitting such oath or affirmation when examining the employees, contractors or concessionnaires against whom charges may appear. The commission may subpoena through the police, the persons who are to testify. And if the witnesses should refuse to appear, or should fail to do so after service of two subpoenas, without alleging a good cause, or if upon appearing they should refuse to testify, the judicial authorities shall be informed, for the proper purposes.

The commission may also examine books and documents of all kinds, the legal provisions governing the subject being observed in obtaining and examining the same. In case of unjustified refusal to produce or deliver books or documents, the judicial authorities shall be advised for the proper purposes.

Upon the conclusion of the investigation, the commission shall make a report to the municipal council, recommending the adoption of the resolutions which may be proper, in the judgment of the commission, and the council shall decide, either extending the investigation, or accepting that made.

During the investigation, the commission may suspend any employee from duty, giving the grounds for such action and submitting the matter for action at once to the municipal council, or to the mayor, if the employee should belong to the office of the latter.

The resolution finally adopted by the municipal council shall be merely administrative, the cognizance of any criminal offense which may be presumed to have been committed, either by reason of the acts which gave rise to the investigation, or acts committed during the same, passing to the court of competent jurisdiction.

Art. 124.—The central power shall provide, in the capital of the republic, for sanitation, the police force, and the maintenance of public order, and for everything pertaining to embellishment, hygiene and progress in general; initiating and executing the public works it may deem advisable, and establishing the services it may consider necessary, without

WITNESSES AND OATHS.

PENALTY FOR REFUSAL TO TESTIFY.

EXAMINA- TION OF BOOKS AND DOCUMENTS.

REPORT OF THE COMMISS- SION.

SUSPENSION OF OFFICIALS.

RESOLUTION IS ADMINIS- TRATIVE.

NATIONAL- IZATION OF SERVICES IN THE CAPITAL OF THE RE- PUBLIC.

**DIRECTION
AND ADMINIS-
TRATION OF
WORKS AND
SERVICES.**

**PROPORTION
OF EXPENSES.**

**AUTHORITY
OF CONGRESS.**

thereby relieving the municipal council of its own obligations.

The national executive shall have the direction and administration of such works and services, unless he shall relinquish the same voluntarily, and shall agree with the municipal council upon the proportion of the cost which the latter should contribute.

The proportion having been agreed on, or in case of a disagreement, the national executive shall make a report to Congress, which may determine said proportion by means of a law, or modify the proportion agreed on between the national executive and the municipal council, in the manner it may deem proper.

**SANITATION,
CHARITIES,
PUBLIC IN-
STRUCTION
AND PUBLIC
ORDER.**

Art. 125.—The municipal council may provide for and organize, within the general system of the state, everything it may deem necessary or advisable in furtherance of local interests in the matter of sanitation, charities, public instruction and public order.

In pursuance thereof, the state shall organize, under its direction and at its cost, any of these branches of the public administration, when it shall deem it proper, either temporarily or permanently.

**POWERS
AND DUTIES.**

**CONTROL OF
FUNDS AND
PROPERTY.**

TAXES.

LICENSES.

**PUBLIC
ROADS.**

Art. 126.—The municipal council shall, among other powers and duties, have the following:

(1) To exercise supreme control over the funds and property of the municipality and make the appropriations for municipal expenses.

(2) To provide for the levy and collection of taxes for general and special purposes, on personal or real property, or on business, industries, professions, arts and trades, according to the law of municipal taxation.

(3) To fix the amount, conditions and requisites for the issue of licenses.

(4) With regard to public roads, urban or rural, in their municipal character, to take all necessary steps to open, close, align, broaden, grade, change, extend, pave, regulate their use, remove obstructions and prevent encroachments thereon; and also with respect to parks, squares, promenades, bridges and other places of this character, always providing for their cleaning, lighting, sprinkling,

repair, draining, sidewalks, sewers, and everything else demanded in the service of security, hygiene, comfort and ornamentation.

(5) To prepare plans and maps for the application of the existing system of roads, to conform, in so far as possible, with the street plans; to direct that all subdivisions for the purpose of urbanization, be laid out with reference to the streets, alleys, parks, squares, bridges and other public means of communication, after consultation with the proper technical official, and that any guttering or grading, curbing, sewers, ornamentation, laying of pipes and other conduits prior to paving, be done subject to the plans of the municipal council.

**PLANS
FOR ROADS
AND OTHER
WORKS.**

(6) With regard to buildings, to regulate their alignment, height, weight, security of foundation and construction, and their sanitary conditions in accordance with the laws governing the subject, and to take any other steps necessary in this matter in furtherance of the common welfare.

**BUILDING
REGULATIONS**

(7) To determine the form and conditions of construction, security, surveillance, sanitation and embellishment of water fronts, sea walls, docks, wharves and dock yards, regulating the use thereof. the transportation connected therewith, and anything else relating to the same, in so far as compatible with the rights of the state and the sanitary laws.

**WATER
FRONTS.**

(8) With regard to fairs, markets, slaughter-houses, and other similar establishments, to provide sanitary and other regulations for the same, subject always to the supervision of the state in matters of sanitation.

**MARKETS,
SLAUGHTER-
HOUSES, ETC.**

(9) With regard to suburbs and other outskirts of the city properly so-called, to provide for the urbanization, sanitation and embellishment thereof, to encourage their building up, to facilitate their means of communication with the centers of population, and to do everything in this respect advisable for or in furtherance of the interests of the municipality.

SUBURBS.

(10) With regard to public morals and customs, it shall provide for everything conducive to their betterment, as also to the extinction of vice, and the remedying and prevention of perversion, prostitution, gambling, drunkenness and mendicancy; to protect the helpless, the indigent and the needy,

**PUBLIC
MORALS AND
CUSTOMS.**

provided this be not incompatible with the general system of the state, and to stimulate individual initiative, for the purpose of creating moral and charitable institutions.

EDUCATION.

(11) To provide for everything that, in addition to the provisions of the general plan of the state, may conduce to the creation or encouragement of private initiative, with regard to institutions of elementary or superior instruction, and all that pertains to libraries, expositions, music, theatres, botanical gardens, zoological collections, museums, gymnasiums, and baths, all of public service.

**CLEANING
OF STREETS.**

(12) To prohibit the throwing or depositing of filth, garbage, and other offensive substances in any street, alley, or public park or square; to adopt the proper measures for the collection and disposition of such matter, and to maintain said public places in a cleanly condition.

ANIMALS.

(13) To regulate the keeping and use of animals, in so far as they affect public health and that of other animals.

**PRIVIES AND
SEWERS.**

(14) To regulate the construction of water-closets, latrines, sewers, drains, and cesspools in accordance with the general system of the state.

**DANGEROUS
STRUCTURES.**

(15) To require that any structure which is in a dangerous condition, be repaired or demolished by the owner or possessor thereof, at his cost, and if he fails to do so that this be done by the municipal administration at the former's cost.

SANITATION.

(16) To require that any ground or building in an unsanitary condition, be cleaned by the owner or tenant, and if these latter should fail to comply with said order, to cause the work to be done by the municipal administration, and the cost thereof assessed against the land or building.

**DOMESTIC
ANIMALS.**

(17) To prohibit and regulate, in a proper case, the transit of animals, the impounding of the same, their custody and sale, in order to defray the costs and pay the fines prescribed by the ordinances; as also the destruction of those considered dangerous or undesirable, in accordance with such ordinances.

**RAILROADS,
ETC.**

(18) To fix the precautions to be observed by railroads and tramways in passing through the streets and to regulate the speed thereof and of wagons, carts, automobiles, carriages and trucks, and all kinds of vehicles within urban limits; to provide regulations to avoid accidents and fires from loco-

motives, and require the railroad companies to construct, if necessary, viaducts over their lines at street crossings.

(19) To regulate the use, location and form of poles for telegraph wires, electric lighting or telephone wires, on public roads and lands, within urban limits, and to do the same with respect to the use of such roads and lands, when pipes for gas, water, steam, refrigerated air, or conduits for telegraph or telephone wires, light or motive power are laid.

(20) To fix the limits within which it shall be forbidden to construct buildings other than of fire-proof material.

(21) To regulate the installation and use of steam boilers and to make proper provision for their inspection.

(22) To make proper provision for the sealing and inspection of weights and measures.

(23) To make proper provision to regulate the marking of streets and the numbering of houses and lots.

(24) To regulate the holding of meetings on public streets and in public places, and circulation through the same.

(25) To regulate the inspection of meat, fruit, poultry, milk, fish, vegetables and other articles of food.

(26) To establish, regulate and maintain police and fire departments.

(27) To prescribe rules for establishments or installations of an inconvenient, unhealthy or dangerous character, and for anything else considered prejudicial or troublesome to the neighborhood.

(28) To fix the rates to be charged for the use of water, gas, electric current or any other public service furnished by private individuals, within the municipality, without prejudice to acquired rights.

(29) To fix the rates for the transportation of passengers and merchandise, other than by railroads.

(30) To issue the ordinances and regulations compatible with the law, which may be necessary in the exercise and execution of the powers and duties comprised in this article, as also any others

**POLES,
CONDUITS.**

FIRE LIMITS.

BOILERS.

**WEIGHTS AND
MEASURES.**

**NAMES OF
STREETS AND
NUMBERS OF
HOUSES AND
LOTS.**

**MEETINGS
IN PUBLIC
PLACES.**

**INSPECTION
OF ARTICLES
OF FOOD.**

**POLICE AND
FIRE DEPART-
MENTS.**

NUISANCES.

**WATER, GAS
AND ELEC-
TRIC LIGHT
RATES.**

**TRAN-
SPORTATION
RATES.**

**ORDINANCES
AND REGULA-
TIONS.**

which may be instrumental in contributing to the safety of persons and property; to preserve health and stimulate public prosperity; insure peace and good customs; and to promote the general welfare of the municipality and its inhabitants; and fixing fines for violation thereof at sums not exceeding one hundred dollars.

(31) The provisions of this law which recognize the powers of the state, in relation to the matters comprised within the sphere of action of the municipalities, shall always be taken into consideration in the exercise of the preceding authority and powers, and any others which may be vested in the municipal council.

MODIFICATIONS OF THIS LAW.

Art. 127.—Notwithstanding the general organization established by this law for all municipalities, any municipal council may study the additions or changes of any character or nature which may be necessary or useful owing to their topography, customs, character, resources, traditions, population and other circumstances; or they may call attention to that which is prejudicial to them in this law, or which it would be to their interest to have introduced herein, in order to make it congruous with the actual local life, the interested councils proposing therefor the legal forms which, in their judgment, would improve, protect and develop their peculiar interests.

PROCEDURE TO MODIFY.

If the municipal council, after having heard on the subject the respective committees of the same, the private associations and bodies, representative in the municipality of intelligence, wealth and industry, should resolve upon the advisability of carrying out the matter studied, it shall then submit it with a petition to Congress, setting forth the reasons therefor.

PUBLIC SERVICE.

COMMITTEE REPORT.

Art. 128.—Whenever the municipal council shall find it necessary to decide upon the manner in which any public service of prime necessity is to be carried out, it shall commence by calling on the committee on the treasury and budget for a report within a period of thirty days, as to what procedure among the following methods it considers most appropriate to that end:

(1) A concession to or a contract with a person or company to furnish said service.

**CONCESSION
OR CONTRACT.**

(2) The ownership by the municipality of the industry, with its respective plant or establishment, and placing the operation thereof in charge of a person or company as lessee.

**OWNERSHIP
AND LEASE.**

(3) The ownership by the municipality of the industry and the operation thereof through the municipal administration.

**MUNICIPAL
OWNERSHIP
OF THE PUB-
LIC SERVICE.**

Upon such report being rendered, the president of the municipal council shall call a special session to consider the matter, and in order to adopt a resolution thereon, a vote of at least two-thirds the number of councilmen which the council should have in accordance with this law, shall be necessary.

**RESOLUTION
OF THE MUNI-
CIPAL COUN-
CIL.**

Art. 129.—If the municipal council should select the first of the three methods mentioned in the preceding article, then, in addition to advertising for bids, and the general and special conditions which may be agreed on relating to a proper service and the fixing of reasonable prices, the following requisites shall be fulfilled, under the penalty of nullity:

**CASE OF CON-
CESSION OR
CONTRACT.**

REQUISITES.

(1) The life of the concession shall never exceed thirty years.

**THIRTY-
YEARS PE-
RIOD.**

(2) In addition to the bonus paid the municipality for the concession, it shall always receive from the concessionaire an annual cash royalty of never less than five per cent. of the gross receipts of the industry.

**5% OF GROSS
PROCEEDS.**

(3) The account books of the concessionaire should clearly show all his receipts and all his expenditures, all his assets and all his indebtedness, the accountant of the municipality being expressly authorized to examine them in order, at any time, to ascertain the condition of the affairs of the concessionaire. The mayor or any person or commission delegated by him or by the municipal council to do so, shall have the same right.

**REVISION OF
BOOKS, ETC.**

(4) It shall be stipulated that, upon the concession terminating for any reason whatsoever, all the property of the concession, without exception, shall pass to the full ownership of the municipality, without any compensation whatsoever on the part of the

**REVERSION
TO THE MU-
NICIPALITY.**

municipality, or with such compensation as it may be deemed advisable to fix in the resolution granting the concession.

**CONDITIONS
OF FORFEIT-
URE.**

(5) The agreement between the municipality and the concessionnaire shall always contain a stipulation establishing the conditions under which the municipality may put an end to the concession and take possession of the property belonging thereto.

**ANNUAL
REPORTS.**

(6) The concessionnaire shall bind himself to submit annually to the accounting office of the municipality, a certified balance of what are at that time his receipts and expenditures, property and debts, with special reference to the principal books and documents from which such data are derived, the authenticity of which the municipal accountant may verify personally or through the person or commission he may delegate for the purpose. These reports shall be published at once, the accountant filing the originals and also comprising such reports in the annual report of his department.

**VERIFICA-
TION.**

**CAUSES OF
RESCISSION.**

(7) It shall be agreed that the concession may be rescinded and terminated to the prejudice of the concessionnaire, either on account of inefficient service to the public, according to the cases determined in the concession, or on account of failure to maintain in a good condition, as provided in the terms of the concession, the material and other property of the concession; without prejudice to liability to fines, the minimum and maximum amount of which shall be fixed for such cases of non-compliance, which are not causes sufficient for rescission.

FINES,

**IMPROVE-
MENTS.**

(8) It shall also be stipulated that the concessionnaire may introduce improvements in his methods or introduce new methods to that end; but always with the previous authorization which the municipal council shall grant, if it should deem it in furtherance of the public interests.

**ARBITRA-
TION.**

(9) The institution of arbitration shall be agreed on, both for the adjustment of questions between the municipal authorities and the concessionnaire company, and between the latter and its employees.

**REDUCTION
IN RATES.**

(10) If possible, an agreement shall be made also for a reduction in the rates at which the product is furnished, or the service rendered, such re-

duction being proportional to the profits obtained from the concession.

(11) Anything else which may be deemed proper, according to the nature of the concession in question.

Art. 130.—If the municipal council should select the third of the propositions referred to in article 128, the matter shall again be referred to the committee on the treasury and budget, in order that it may, within a period of forty-five days, with the advice, if it deems it necessary, of the respective technical official in the service of the municipality, render a detailed report on the following points:

(1) The determination of the works of installation and their probable cost.

(2) The revenues upon which the municipality relies to meet this cost.

(3) The cost of production of the material to be manufactured or of the service to be furnished.

(4) The technical and administrative organization of the enterprise or service to be established.

(5) The time within which it is estimated that it will be necessary to renew any of the material composing the works of installation, and the probable cost of such renewal.

(6) The economic and social advantages which it is presumed the municipality will derive by owning such industry or service and operating it directly.

(7) If there is in the municipal district any other business or public service of private ownership, similar to that which it is intended to municipalize, the report shall determine whether it is deemed conducive to the interests of the municipality to acquire, if it be possible, the business in question, and the consequences to be expected in the event of the co-existence of the municipalized and the private business or service.

Art. 131.—If it should clearly appear from the report referred to in the preceding article, that the industry or service to be municipalized promises sufficient revenue to meet all the current expenses of supplies and personnel and pay the interest and provide a sinking fund to meet the installments of

**ADDITIONAL
REQUISITES.**

**CASE OF
MUNICIPAL
OWNERSHIP.**

**TECHNICAL
OFFICIAL.
INSTALLATION
AND COST.
REVENUES.**

**COST OF
SERVICE OR
PRODUCTION.**

**ORGANIZA-
TION.**

**RENEWAL
OF MATERIAL.**

**ADVANTA-
GES TO MUNI-
CIPALITY.**

**CO-EXIST-
ENCE OF COM-
PANIES OR
SERVICES.**

**APPROVAL
BY THE COUN-
CIL.**

the loan which the municipality might require for such ends, the municipal council shall meet again in special session, for the purpose of considering said report; and if it should be approved by a vote of at least two-thirds of the councilmen which the council should have in accordance with this law, or with such modifications as may be deemed proper, it shall resolve to submit the matter *ad referendum*, in accordance with the procedure prescribed by the electoral law.

SCRUTINY.

Art. 132.—If the project submitted *ad referendum* should obtain the favorable votes of at least two-thirds of the electors of the municipal district, it shall be considered approved. Otherwise, it shall be considered rejected, and the matter cannot again be considered by the municipal council until after two years shall have expired.

REJECTION.

**SPECIAL
DEPARTMENT**

Art. 133.—If the referendum should be favorable to the municipalized service, it shall be entrusted to a special department of the municipal administration, which shall be organized for the purpose, and which shall have its respective divisions of administration, treasury, accounting and auditing.

**REGULA-
TIONS.**

Art. 134.—The municipal council shall provide regulations for every municipalized service, in which, in addition to all that pertains to the interior order of the respective department, the relations to exist between said department and the committee on the treasury and budget of the municipal council, or the special committee which the latter may deem it proper to create, shall be determined.

**RESERVE
FUND.**

Art. 135.—An adequate sum shall always be applied from the net receipts of any municipalized work or service, as a reserve fund, to provide for the needs, repairs, improvements and extension thereof, and for anything else required by public interests in relation with the development of said service.

**SINKING
FUND.**

Whenever loans shall have been contracted by the municipality for the acquisition, establishment or improvement of said municipalized service, a certain percentage of the net receipts shall be set aside for the payment of the principal and interest accruing on said loan.

After providing fully for the foregoing obligations, the remainder of the profit shall be covered into the municipal treasury.

Art. 136.—Whenever it shall appear that the municipalized work or service is being operated at a profit, it shall be the duty of the municipal council to consider the advisability of reducing for the next term, the rates for the service or the cost of the product to the public.

In the case of losses, they shall be defrayed from the reserve fund; and, if that should be insufficient, from the municipal treasury.

**CASE OF
PROFIT.**

**IN CASE
OF LOSS.**

Art. 137.—The municipal council may, at any time, upon a report of the municipal accountant, the mayor, the committee on the treasury and budget and the head of the respective department, resolve whether the resolution of municipalization should or should not be revoked, and, in an affirmative case, it shall decide whether said industry or municipal public service, can and should be suppressed, or whether it should be continued under a concession or contract, according to the provisions of this title.

**SUPPRES-
SION OF MU-
NICIPALIZA-
TION.**

**RESOLUTION
OPTIONAL.**

If at the end of any fiscal year, it should appear that the municipalized service or industry is being operated at a loss, the proceedings prescribed by this article shall be obligatory, and the municipal council must resolve in view of the results thereof.

**PROCEED-
INGS OBLIG-
ATORY.**

Art. 138.—If the municipal council should select the second of the methods fixed in article 128, the provisions of articles 129 to 131 shall be observed in so far as applicable to each specific case, excepting the referendum; but without omitting the public bids.

**CASE OF
POSSESSION
AND LEASE.**

CHAPTER II.

SESSIONS OF THE MUNICIPAL COUNCIL.

Art. 139.—The municipal council shall be obliged to meet, without the necessity of a call, four times a year, the first Mondays in February, April, August and November: In municipalities having a population of more than one hundred thousand inhabitants, such sessions shall last, in each period, at

**DELIBERAT-
IVE PERIODS.**

least twenty-five working days. In municipalities having a population of one hundred thousand or less inhabitants, but more than twenty thousand, the duration shall be at least fifteen working days. And in those having a population not exceeding twenty thousand inhabitants, the duration shall be at least ten working days.

PENAL LIABILITY FOR NON-ATTENDANCE.

Art. 140.—A councilman who shall, without just cause, fail to attend three consecutive sessions, shall incur penal liability for abandonment of office, and the municipal council shall report the facts to the court of competent jurisdiction, for the proper purposes.

FINES FOR NON-ATTENDANCE.

The provisions of the first paragraph of article 78, respecting the non-attendance of associate members, shall be applicable to the non-attendance of the councilmen, both with reference to the sessions of the council and of the committees of which they may be members.

DIRECT OR INDIRECT INTEREST.

Art. 141.—When a councilman, or one of his relatives within the fourth degree, should have a direct interest in a matter submitted to the consideration of the municipal council, he shall not participate in the discussions or the voting thereon, and shall withdraw from the session hall while the matter is being discussed and voted on.

CALL FOR SESSIONS.

Art. 142.—For attendance at regular sessions, the previous citation of the councilmen shall not be necessary; but it shall be necessary for special sessions, the call setting forth the ground or grounds for the session, no other matters being considered at such session.

TIME FOR CITATIONS.

The citation shall be served upon each councilman at least twenty-four hours in advance.

SPECIAL SESSION.

Art. 143.—The president of the municipal council shall call an extra session whenever he shall deem it advisable, or when at least one-third of the total number of councilmen which the municipal council should have in accordance with this law request it.

EXTENSION OF SESSIONS.

Art. 144.—The municipal council shall, within each legal term, if it deems it proper, resolve to extend its sessions, always determining the length of such extension; but it may resolve upon a further

extension before the previous one has expired. After the expiration of the last extension resolved on, except in the case of special sessions, any session held before the next legal term shall be null, as shall also any resolutions adopted at the same, excepting special sessions.

Special sessions held without the proper citation made in legal form, shall also be null.

Nevertheless, any session attended by all the members of the municipal council shall be valid.

EXCEPTION.

Art. 145.—The secretary of the municipal council shall prepare minutes of every session setting forth the names of the president and other councilmen present, the matters considered and the action thereon, the result of the voting, the lists of roll calls and the entrance and exit of the councilmen from the session hall.

**MINUTES
OF SESSIONS.**

The minutes shall contain the opinions of the minorities and their reasons, if they should so request.

**MINORITY
OPINIONS.**

Art. 146.—The minutes shall constitute the formal document showing the resolutions adopted; the secretary of the municipal council shall draft and sign the same under his liability, and they shall be signed, in addition, by two councilmen present at the session at which the minutes are read and approved, to be designated at this time by the president of the municipal council, who shall also sign.

**SIGNATURE
OF MINUTES.**

Art. 147.—The duties of the secretary of the municipal council shall be:

**DUTIES OF
THE SECRETARY
OF THE
MUNICIPAL
COUNCIL.**

(1) To attend all the sessions of the municipal council, in order to give an account of the correspondence and other matters, in the form and order directed by the president.

(2) To prepare the rough draft of the minutes and read it at the beginning of the next session, during which, after the approval of such draft or the modifications thereof which may be resolved on, each sheet thereof shall be signed by the two councilmen designated, in accordance with the provisions of the preceding article. The secretary shall transcribe or cause said minutes to be transcribed in a book to be kept for the purpose, within five days after the approval thereof and, after they have been signed by

**PREPARA-
TION OF THE
MINUTES.**

**TO BE SIGNED
AT SAME
SESSION.**

the persons mentioned in the following article, he shall file the rough draft of the same.

In the case of a special session or of the last session of one of the legal terms, or its extensions, referred to in articles 139 and 144, the rough draft of the minutes shall be approved and signed at the same session.

**PREPARA-
TION OF DATA.**

(3) To prepare the data for the work of the committees and for the resolution of the municipal council, forwarding such data to the committees and reporting such action to the council.

**DOCUMENTS
AND CORRES-
PONDENCE.**

(4) To submit, in due time, for the signature of the president the documents and correspondence to be prepared in pursuance of resolutions of the municipal council or for other proper purposes.

**CERTIFI-
CATES.**

(5) To issue and authorize with his signature such certificates as the president may direct.

**OTHER
DUTIES.**

(6) To attend to any other matter which provisions of law or the municipal council may entrust to him.

**BOOK OF
MINUTES.**

Art. 148.—The book of minutes of the municipal council shall be under the custody of the secretary. In the margin of each leaf, the seal of the corporation shall be placed, and the following shall sign at the foot of each of the minutes: First, the president, then the councilmen designated for the purpose, and finally, the secretary, who shall certify to the fact that the former signed in his presence.

SIGNATURES.

**ASSISTANT
SECRETARY.**

Art. 149.—The secretary may, if he deems it advisable, have an employee, designated for the purpose by the municipal council, to aid him as assistant secretary at the sessions.

**PERMANENT
ASSISTANT.**

The municipal council may also appoint an employee as the permanent assistant to the secretary in all his duties.

**CASH BAL-
ANCE.**

Art. 150.—At the first session of each term, the secretary of the municipal council shall read a report of the cash balance and the condition of the municipal funds on hand, according to a detailed statement of receipts and disbursements, which the mayor shall send for this purpose a sufficient time in advance, to the president of the municipal council.

Art. 151.—The voting shall always be by roll call, the vote of each person present being recorded in the minutes.

**VOTING BY
ROLL CALL.**

In the case of a question affecting the president or any of the councilmen, or their relatives within the fourth degree, or the appointment of a person to an office, or his removal therefrom, the voting shall be by secret ballot.

**SECRET
VOTING.**

Art. 152.—Every councilman shall have the right to speak and vote at the meetings of the municipal council, and he cannot abstain from voting or withdraw from the hall after the president has called for a vote. A vote having been called for, the secretary shall call the name of each councilman in the order prescribed by article 63. Every blank vote shall be counted for the majority.

**CANNOT AB-
STAIN FROM
VOTING.**

The president shall always vote last, and in the event of a tie repeated at the subsequent session, he shall cast an additional deciding vote.

Art. 153.—In order that the municipal council may take any action, the presence of a majority of the total number of councilmen which the council should have in accordance with this law shall be required, excepting in cases in which the resolutions require for their passage a larger number of councilmen, under this law. The president, vice-president and the councilmen-secretaries, shall be included in the number of councilmen for this purpose.

QUORUM.

For the purpose of a quorum, a majority shall be any number of councilmen over one-half of the total number of councilmen which the municipal council must have according to law; and for the purposes of a vote, any number over one-half of the councilmen present.

**"MAJORITY"
DEFINED.**

When a fraction should result in the computation of the number of councilmen or members of committee for voting or for a quorum, in accordance with any provision of this law, said fraction shall be understood to be increased to the next higher whole number.

FRACTIONS.

Art. 154.—The municipal council shall not, on the same day that it is proposed, adopt any resolution directing the payment of money or approving a contract for furnishing supplies or municipal ser-

**QUORUM
FOR PAY-
MENTS AND
CONTRACTS.**

**ALIENATION,
LEASES
AND ENCUMBRANCES.**

vices, unless it be by the unanimous vote of the councilmen present; but in no case shall a resolution be adopted for the alienation, lease, or encumbrance of municipal property or for the grant of concessions, until at least five days after its introduction shall have passed.

SESSIONS.

PUBLIC.

SECRET.

Art. 155.—The sessions of the municipal council, excepting in cases of *force majeure*, shall always be held in the town hall. They shall be public, under penalty of nullity of whatever may be resolved, unless the interests of the municipality or reasons of a moral character require a secret session, and this is resolved by at least two-thirds of the total number of councilmen which the council should have in accordance with this law.

**SUBMISSION
OF RESOLUTIONS.**

Art. 156.—The resolutions of the municipal council shall be submitted to the mayor on the working day following the approval of the minutes containing them. For this purpose, the secretary shall issue two certified copies of each resolution, which the mayor shall cause to be sealed and dated when he receives them, immediately returning one of them.

**APPROVAL
BY THE MAYOR.**

VETO.

If the mayor should approve the resolutions, he shall authorize them by his signature, communicating the fact to the municipal council, and if he should not approve them, he shall return the copy with his objections. The municipal council shall discuss the matter again, and if, after the second discussion, at least two-thirds of the total number of councilmen which the council should have in accordance with this law should vote in favor of the resolution, it shall become final, and the mayor shall be so advised.

**PASSAGE
OVER VETO.**

If ten days should pass after the presentation of a resolution, without the mayor having expressed any objections, it shall be considered as approved and become final.

**EXECUTION
OF RESOLUTIONS.**

Art. 157.—Every resolution of the municipal council shall go into effect ten days after becoming final, unless otherwise provided in the resolution.

**SUSPENSION
OF RESOLUTIONS.**

Art. 158.—Final resolutions may be suspended by the mayor, the provincial governor or the president of the republic, when, in their judgment, they

are opposed to the Constitution, treaties, laws or the resolutions adopted by the provincial council in the exercise of its own powers, specifying in each case the provisions considered violated and the manner in which violated.

The power of suspension cannot be exercised with regard to any resolution after ninety days shall have passed, from the date of its becoming final, in the case of the president of the republic; thirty in the case of the provincial governor, and ten in the case of the mayor.

**PERIOD WITH-
IN WHICH RE-
SOLUTIONS
CAN BE SUS-
PENDED.**

Art. 159.—Upon such suspension, the municipal council shall, within a period of twenty days, not subject to extension, either admit the suspension and revoke the resolution in question, communicating this action to the authority which may have directed such suspension, or appeal by contentious-administrative procedure as prescribed by the organic law of the judiciary to the proper audiencia, if said suspension shall have been decreed by the mayor or provincial governor, or to the supreme court, if decreed by the president of the republic.

**RESOLU-
TION OF MUN-
ICIPAL COUN-
CIL.**

**CONTEN-
TIOUS-ADMI-
NISTRATIVE
APPEAL.**

If said twenty days should expire without the municipal council adopting either of the resolutions mentioned, it shall be understood that the suspension is consented to and that the resolution to which it refers is revoked in full.

**IMPLIED
CONSENT.**

In cases of unconstitutionality, the appeal shall lie to the supreme court.

**UNCONSTITU-
TIONALITY.**

Art. 160.—Every resolution of the president of the republic, suspending a resolution of a municipal council, shall be communicated immediately to the respective mayor, in order that the suspension may be obeyed, and to the governor, for his information. For the same purpose, the governor suspending a resolution shall communicate the suspension to the mayor and to the president of the republic; and a mayor suspending a resolution shall inform the president of the republic and the governor.

**NOTICE OF
SUSPENSION.**

Art. 161.—The mayor shall forward to the president of the republic and to the governor of the province, a copy of every resolution within five days after the date it becomes final.

**COPIES OF
RESOLUTIONS.**

**APPEALS OF
PRIVATE IN-
DIVIDUALS.**

Art. 162.—Any private individual considering himself prejudiced by the suspension of a resolution of the municipal council, decreed in accordance with the provisions of article 158, may:

(1) Join in the appeal interposed by the municipal council against the suspension.

(2) In case the municipal council should assent to the suspension, appeal from the suspension, directly to the respective audiencia, if the suspension should have been directed by the mayor or the governor, or to the supreme court, if the suspension shall have been decreed by the president of the republic.

(3) In case that the resolution suspended should be one which the said private individual considers prejudicial to his interests, and the municipal council, in order to maintain the same, shall have appealed against the suspension, he may become a party in the contentious-administrative proceedings in order to sustain the justice of the suspension, against the petition of the municipal council.

Cases of unconstitutionality are reserved exclusively to the supreme court.

**RESTRAINING
PROCEEDINGS
SHALL NOT
LIE.**

Art. 163.—No court shall admit proceedings to restrain the execution of resolutions of municipal councils and of mayors in matters of their respective jurisdiction.

**CERTIFICA-
TION OF RES-
OLUTION.**

Art. 164.—As soon as the minutes of a session are approved, the secretary shall send a certified extract of the resolutions contained therein, to the newspaper in which the publications of the municipality are made, for insertion in the same, or he shall post it in a conspicuous place in the town hall, should there be no newspaper in the locality.

**PUBLICA-
TIONS.**

The date the certification is posted, if this be done, shall be stated at the foot thereof.

**AFFIXING
OF DATE.**

**APPEALS OF
RESIDENTS.**

Any permanent resident may appeal from the resolution of a municipal council, observing the provisions of article 266. Nevertheless, proper notice in each case shall be served on the interested parties, in each matter.

CHAPTER III.

DUTIES AND POWERS OF MAYORS.

**POWERS OF
THE MAYOR.**

Art. 165.—The mayor, as the head of the executive power of the municipality and of the muni-

cipal administration, is vested with authority, and his principal duties and powers shall be the following:

(1) To publish the resolutions of the municipal council, which have obligatory force, executing them and enforcing their execution.

(2) To discharge the active functions of the municipal administration, issuing orders for the purpose, and instructions and regulations for the proper execution of the resolutions of the municipal council, if the latter shall have failed to do so.

(3) To appoint and remove the employees of his office, in accordance with the provisions of article 104 of this law.

(4) To approve the resolutions of the municipal council, authorizing them with his signature, or vetoing them, in the terms prescribed by this law.

(5) To suspend the resolutions of the municipal council, when, in his judgment, they are opposed to the constitution, treaties, the laws or resolutions adopted by the provincial council within the scope of its powers.

(6) To maintain public order within the municipal district; unless the president of the republic directly exercises his action for that purpose in accordance with the power vested in him by paragraph 17 of article 68 of the constitution; or unless the governor takes such action in accordance with article 54 of the organic law of the provinces. In any case the mayor shall immediately notify the president of the republic and the governor of any disturbance of public order that may occur in the municipal district.

(7) To execute, as the delegate of the central power, any commissions which may be entrusted to him permanently or temporarily, according to law.

(8) To represent the municipality in its capacity as a juridical person judicially and extrajudicially, acting in its name and on its behalf, in the acts and contracts in which it may be necessary to appear.

(9) To order the payments which are to be made by the municipal treasury.

The mayor shall fix an hour in which he shall give daily public audience, at which the secretary of the municipal administration shall be present, taking note of any verbal petitions that may be presented.

**EXECUTION
OF RESOLU-
TIONS.**

**ADMINISTRA-
TION.**

**APPOINT-
MENT AND
REMOVAL OF
EMPLOYEES.**

**APPROVAL
OR VETO.**

**SUSPENSION
OF RESOLU-
TIONS.**

**PUBLIC
ORDER.**

**DELEGATE
OF THE CEN-
TRAL POWER.**

**REPRESENT
ATIVE OF THE
MUNICIPAL-
ITY.**

**ORDER TO
MAKE PAY-
MENTS.**

FINES.

Art. 166.—The mayor may impose fines for the offenses set forth in the ordinances and instructions, as well those of the municipality as those relating to services of the state which the municipal government has under its charge. In the case of an offense where the corresponding fine has not been previously fixed therefor, the mayor may impose a fine not exceeding twenty dollars.

**MAY BE
IMPOSED BY
MAYOR.****INITIATIVE
IN MATTERS
OF FINES.**

Art. 167.—Whenever an agent of authority believes that any person is violating a municipal ordinance or resolution, he shall so inform the mayor, and notify the interested party of the offense committed.

PROCEDURE.

Every fine shall be imposed within fifteen days after the commission of the offense with a statement of the grounds for such fine, and within the next five days the person responsible shall be notified thereof and be called on to make payment within three days. Within this period, the said person may request the mayor to remit the fine, alleging such reasons in support of his request as he may deem proper.

**TRANSMIT-
TAL TO COR-
RECTIONAL
COURT.**

The mayor shall render his decision within a further period of three days and if he should not grant the petition, and the person liable should not pay the fine within twenty-four hours after notification of this refusal, the mayor shall transmit the record of proceedings to the proper correctional court, in order that it may take cognizance of the case, as a misdemeanor (*falta*), and render judgment in accordance with the proper procedure, independently of the resolutions of the mayor.

Similar action shall be taken in the event of payment not being made within the term of three days referred to in the second paragraph of this article. if the appeal therein provided should not have been taken.

**IMPROPER
PROCEDURE.**

Every fine, in the imposition of which the procedure prescribed in this article has not been properly observed, shall be understood as not to have been imposed.

In every case of which the ordinary courts are taking cognizance, the administrative action shall cease at once, in order not to interfere with the former, so that two penalties for the same act shall not be imposed in any case.

Art. 168.—The fines collected by virtue of articles 166 and 167, shall be finally covered into the municipal treasury, to which the correctional judge shall forward them in a proper case.

**FINAL DIS-
POSITION OF
FINES.**

Art. 169.—The mayor may request the president of the municipal council to call a special session, which shall always be granted. In his request, he shall indicate the matters which are the cause for such call.

**SPECIAL SES-
SIONS ON IN-
ITIATIVE OF
MAYORS.**

The mayor must attend the sessions referred to in the preceding paragraph, as also any other session at which the municipal council, for any reason, considers it advisable to hear the mayor, who may express his opinion during the discussions.

**ATTENDANCE
OF MAYOR AT
SESSIONS.**

In such cases, the seat of the mayor shall be at the right of the president of the municipal council.

**SEAT OF
MAYOR.**

Art. 170.—It shall be the duty of the mayor to recommend to the municipal council, at any time, the passage of any measure or resolution whose adoption he may consider beneficial, in any respect, to the interests or progress of the municipality, availing himself for this purpose of messages in which he shall set forth the reasons for his recommendation.

**MESSAGES
TO COUNCIL.**

He shall also send a message to the municipal council at the beginning of each term, stating the condition of affairs of the municipality and anything else that he may deem it his duty to suggest to the municipal council for the benefit of the municipality.

The municipal council shall give preferred attention to the messages of the mayor, for which purpose they shall be read immediately in order to take action upon them.

Art. 171.—Fifteen days before the opening of the quarterly sessions of the municipal council, provided for in article 139 of this law, the municipal mayor shall convene in his office all the barrio mayors of his district, in order that they may state anything which they deem of interest to their barrio, which may be considered by the mayor, for the purposes of the message which the latter, in accordance with article 170, is required to address to the municipal council.

**MEETINGS
OF BARRIO
MAYORS.**

**REPORTS
TO COUNCIL.**

Art. 172.—The mayor shall furnish the municipal council, without delay, any report which the latter may call for upon matters pertaining to the municipal administration.

**PROJECT OF
BUDGET.**

Art. 173.—During the first fifteen days of April of every year, the mayor shall submit to the municipal council the project of the annual budget of the revenues and expenses of the municipality.

**LEAVES OF
THE MAYOR.**

Art. 174.—The mayor may obtain leave of absence from the municipal council, if it should be in session, or otherwise from the governor of the province, for a time not exceeding three months with pay. Said leave of absence may be extended for three months more, but without pay.

WITH PAY.**WITHOUT PAY****LIMITATION.**

The leaves of absence enjoyed by the mayor shall not exceed six months during each term of two years, only three months being with pay.

**NOTICE OF
ABSENCE.**

In order to absent himself from the municipal district, for twenty-four hours, or less, or in response to a call from a competent authority, it shall be sufficient for the mayor to give notice to the president of the municipal council.

**INCOMPAT-
IBILITY ON
ACCOUNT OF
INTEREST.**

Art. 175.—Whenever the mayor is directly or indirectly interested in any matter, he shall abstain from intervening therein. In this specific case, the person acting as president of the municipal council shall act as mayor, for all purposes.

TITLE V.**THE MUNICIPAL TREASURY.****CHAPTER I.***General Provisions for the Municipal Treasury.***FISCAL YEAR.**

Art. 176.—The municipal fiscal year shall begin the first day of the month of July.

**APPLICATION
OF MONEY
AND CREDIT.**

Art. 177.—Neither the money nor the credit of the municipality shall be applied to any objects other than those of the municipality.

Art. 178.—The municipality shall not, for any cause, donate money, personal or real property, nor loan its money or credit to any private individual, association or corporation whatsoever, nor aid nor assist them, excepting in the cases expressly permitted by this law.

**DONATIONS
PROHIBITED.**

The measures adopted by the municipal council for assistance to the poor of the municipal district, in the form prescribed by law or ordinance, are not included in this prohibition.

EXCEPTIONS.

Such assistance shall not exceed the amount regularly appropriated for this purpose, except in cases of public calamities, when such assistance shall be agreed to by at least, two-thirds of the total number of councilmen which the council should have in accordance with this law.

LIMITATIONS.

Art. 179.—The municipalities may resolve to negotiate loans, but at the same time they shall vote the permanent revenues necessary for the payment of the interest and the redemption of the loan, conforming to the provisions of Title VI of this law.

LOANS.

Such loans, in order that they may be contracted, shall be approved by at least, two-thirds of the electors of the municipal district.

**REFEREN-
DUM.**

Art. 180.—The payment of debts of municipalities not secured by pledges or mortgages shall not be enforced by compulsory process, the provisions of the following article being always observed.

**DEBTS OF
MUNICIPAL-
ITIES.**

Art. 181.—Whenever a final decision is rendered in proceedings against a municipality, adjudging it to pay a specific sum, or to do or deliver something which requires the expenditure of money for compliance with the final judgment, notice shall be served on the mayor. The latter shall communicate the decision at once to the president of the municipal council for consideration at the next session, at which a resolution shall be adopted directing such payment to be made and the inclusion of the necessary sum in the next regular budget or in a special budget. If the amount to be paid exceeds twenty per cent. of the annual budget and the municipality should not have any surplus funds, it may distribute the payment in five annual installments. If the sum should not reach the said twenty per cent. and there

**JUDGMENT
A G A I N S T
MUNICIPAL-
ITIES.**

**DISTRIBU-
TION OF PAY-
MENTS.**

are no surplus funds, the payment may be made in two annual installments.

**PREFERENCE
OF CLAIMS.**

If there are several judgments, they shall be satisfied in the order in which they are rendered, unless there should be a judicial declaration of preference.

The same rule shall apply if the resolution is rendered in an administrative or contentious-administrative matter.

**CONSOLIDA-
TION OF
CREDITS.**

If there are several creditors in the same case as the one who obtained judgment in his favor, a liquidation of all such liabilities shall be made for their joint payment, including the necessary amounts in the budget, according to the form established.

**PROHIBITION
OF ORDINARY
PROCESS.**

Art. 182.—No writs of execution, attachment, sequestration or retention, shall issue against the revenues, credit or funds of the municipality.

**PREFERRED
LIEN.**

Art. 183.—Taxes on real property due the municipality shall constitute a preferred lien for the time and in the form determined by the mortgage law.

**PREScrip-
TION OF
DEBTS FOR
TAXES.**

Art. 184.—Debts for municipal taxes prescribe in three years counted from the close of the corresponding fiscal year, whatever be the administrative proceedings instituted for their collection, unless the debt is being collected from the revenue of real property under attachment.

**PREScrip-
TION OF
CREDITS.**

The right of action for the collection of credits due the municipality as an administrative corporation shall prescribe three years after such credits have fallen due, and have not been demanded. The right of action against the municipality as a juridical person, shall prescribe in accordance with the civil code.

**REMISSION
OR REBATES
FORBIDDEN.**

Art. 185.—Municipal councils are forbidden to make any exceptions, remissions or reductions in taxes, unless it be in cases of public calamity, or when, in furtherance of the welfare of the municipality, it is rendered advisable for the purpose of encouraging some industry, cultivation or enterprise. These resolutions shall require the vote of at least two-thirds of the total number of the councilmen which the council should have in accordance with this law. The benefits granted shall extend to

all persons in equal circumstances and shall never be operative for more than five years from the date of the resolution.

CHAPTER II.

MUNICIPAL BUDGETS.

Art. 186.—The consideration, formation and approval of the regular and special municipal budgets, pertain to the municipal council.

BUDGETS.

The regular budget shall show the expenditures to be made during the fiscal year and the revenues to meet them. It shall be divided into proper subjects, subdivided into chapters and articles, conforming in other respects to the provisions of this law and the law of municipal accounting.

HOW FRAMED.

Art. 187.—The accountant-auditor of the municipality shall, during the second fifteen days of the month of February of each year, prepare the project of a budget from the detailed estimates furnished him in writing by the persons in charge of the various municipal departments or offices, conforming to the legal revenues of the municipality and to the provisions of this law.

INITIATION OF THE BUDGET.

In connection with the preparation of the project of the budget, municipal services cannot be created, abolished, modified or reorganized, unless there exist prior resolutions of the municipal council so providing.

PROHIBITIONS.

Art. 188.—The resolutions of the municipal council reorganizing existing services, establishing others, or changing the amounts of receipts or expenditures, shall be communicated to the mayor, and by him to the accountant-auditor, during the first fifteen days of February, as a necessary basis for the preparatory work of the budget.

MUNICIPAL SERVICES.

If such resolutions should not be adopted, the accountant-auditor shall conform in the preparation of the project of the budget, to the revenues approved for the previous year, and to the organization which the municipal services are given therein.

PREVIOUS BUDGET APPLIES.

Art. 189.—The budget shall comprise two parts: The first, enumerating the items of taxation and the

PARTS OF BUDGET.

REVENUES. revenue derived from the property and rights belonging to the municipality or its dependent establishments, estimating both the former and the latter from the result of the last liquidated budget and the collections of the current year.

EXPENDITURES. The other part shall be devoted to the expenditures and shall show the amounts necessary to attend to the services and obligations of the fiscal year and unforeseen expenses.

EQUALIZATION OF BUDGET. **Art. 190.**—The expenditures cannot exceed the established revenues in the budget. When the estimated amount of services and general expenses is lower than the estimated revenues, the municipal council shall resolve upon a proportionate decrease in the tax rates fixed, in order to secure the equalization of the budget.

CHANGES, REDUCTIONS OR SUPPRESSIONS. The municipal council shall not include in the budget any provision to amend resolutions and ordinances prior to its formation; nor shall it reduce or abolish revenues of a permanent character without providing others to take their place unless the measure is due to the suppression or reduction of equivalent permanent expenses; nor can it assign to services which must be provided for in the budget, a larger sum than that proposed in the project sent to the mayor.

MODIFICATIONS. **Art. 191.**—After the time fixed in article 187 for the preparation of the general budget, no changes can be made therein entailing an increase in the amount of taxes or in the amount of expenditures.

LIMITATION OF EXPENSES FOR PERSONNEL. **Art. 192.**—The total appropriation for expenses of personnel shall conform to the percentage of the budget of revenues which is fixed by the following scale:

In budgets which do not exceed \$10,000	50	per cent.
From \$10,001 to \$30,000	40	" "
" \$30,001 to \$50,000.	30	" "
" \$50,001 to \$75,000.	25	" "
" \$75,001 to \$100,000.	20	" "
" \$100,001 to \$250,000.	18	" "
" \$250,001 to \$500,000.	15	" "
" \$500,001 to \$1,000,000.	10	" "
Over \$1,000,000.	9	" "

If, upon applying the percentage hereinbefore fixed, it should result that, as the amount of the budget increases, the amount corresponding thereto for personnel should be less than that in the highest budget of the immediately lower scale, then the amount corresponding to such highest budget of the immediately inferior scale, shall be maintained as the fixed rate for personnel, leaving aside the rate per cent. provided for that respective scale, until such time as, upon application of the same, a sum is obtained larger than the amount of said immediately lower scale.

Art. 193.—Expenses for personnel for the purposes of the limitation established by the preceding article, are the salaries of the mayor, the secretary of the municipal administration, the treasurer, the accountant-auditor, the other heads of departments, and the employees of their respective offices, as also those of the offices of the municipal council and of the barrio mayors, and the employees of their offices, without including the salaries of the officials and employees of the police and sanitary departments.

**DEFINITION
OF PERSON-
NEL.**

Art. 194.—For the purposes of the application of funds appropriated for unforeseen expenses, those which have the character of ordinary or general expenses of the municipality, or which are destined to the payment of commissions, pensions or rewards, shall not be so considered, without prejudice to the provisions of article 178.

**UNFORESEEN
EXPENSES.**

EXCEPTIONS.

Art. 195.—The project of the regular budget, prepared by the accountant-auditor, according to the preceding rules, shall be presented to the mayor during the first fifteen days of March together with the liquidation of the next prior budget. The mayor shall forward it at once to the treasurer, who shall within a period of five days, render a written report as to what he may deem proper, returning the project to the mayor.

**PRESENTA-
TION OF PRO-
JECT TO MAY-
OR.**

**REPORT OF
THE TREAS-
URER.**

Art. 196.—The mayor shall order that a general condensed statement of the estimated revenues and expenditures be published in two numbers of the newspaper or newspapers in which the municipal administration publishes its announcements, or,

**PUBLICA-
TIONS.**

**COMPAR-
ATIVE STATE-
MENT.**

in their absence, in any other form possible, special mention being made of the changes introduced therein, comparing them with those of the last budget approved, in order that any permanent resident may make the remarks in writing which he may deem proper within a period of ten days.

**TRANSMIT-
TAL TO COUN-
CIL.**

Art. 197.—Upon the expiration of the period mentioned in the foregoing article, the mayor shall transmit the project of the budget, with his report, that of the treasurer and such remarks of the permanent residents as have been made, to the president of the municipal council. The latter shall forward it to the committee on the treasury and budget, which shall make a report within the following fifteen days.

**CONSIDERA-
TION BY MU-
NICIPAL
COUNCIL.**

Art. 198.—The project, with all reports, including that of the committee on the treasury and budget, shall be sent to the municipal council, which shall discuss and finally approve it, or make such modifications as it may deem proper, within a term of twenty days. The municipal council shall hold meetings daily and even twice daily, if necessary.

QUORUM.

For these meetings the presence of two-thirds of the total number of councilmen which the council should have in accordance with this law shall be necessary. No matters shall be discussed in these meetings foreign to the budget, and each resolution must be adopted by at least a majority of more than one-half of the councilmen present.

**MAJORITY
OF VOTES.**

**APPROVAL
OR VETO OF
BUDGET BY
MAYOR.**

Art. 199.—After the budget shall have been approved by the municipal council, it shall be forwarded with all the papers to the mayor, who shall authorize it with his signature within ten days if he approves it; otherwise returning it with his objections and the grounds therefor to the municipal council, for reconsideration.

**RATIFICA-
TION BY
COUNCIL.**

If the municipal council, within a period of ten days, by a vote of at least two-thirds of the total number of councilmen which the council should have in accordance with this law, shall ratify its former resolution, the budget shall become final at once, and shall be sent for due execution to the mayor. The

same method shall be pursued if the modifications suggested by the mayor have been adopted. A copy of the budget and of the documents connected therewith shall be sent at once to the president of the republic, and one to the governor of the province.

Art. 200.—A sufficient number of copies of the approved budget shall be printed, for distribution among the residents of the municipal district and the municipal councils of the republic, copies being also sent to the senate, the house of representatives, the department of government, the treasury department, the provincial council, the governor, the public libraries and anyone else to whom it may be considered advisable to send it.

**PRINTED
COPIES.**

Art. 201.—The president of the republic, the provincial governor or the mayor, in making use, in a proper case, of the constitutional powers of suspending the budget in whole or in part, must do so at the time and in the form prescribed in article 158 *et seq.* of this law.

**SUSPEN-
SIONS.**

Art. 202.—A special budget can be prepared only when, after the ordinary budget has been prepared, a new obligation arises, or one which could not have been reasonably foreseen at the time of framing the ordinary budget, or for the purpose of satisfying a judgment, if there are any surplus funds. If there are no surplus funds, the municipal council shall first decide with what revenues the expenditures under the special budget are to be met.

**SPECIAL
BUDGET.**

This budget shall be prepared with the same requisites as the ordinary budget, but the terms fixed by this law for the dispatch thereof shall be reduced as required by the urgency of the case.

**REQUISITES
OF SPECIAL
BUDGET.**

Art. 203.—If for any reason, the project of the budget should not be approved by the first of July, the former budget shall continue in force for the entire new fiscal year, in so far as it does not not apply to appropriations for special or temporary cases.

**FAILURE TO
APPROVE.**

**FORMER
BUDGET TO
CONTINUE.**

The fiscal of the respective audiencia shall file the proper information, against the party at fault either on his own motion or upon a complaint made by the mayor, or some member of the municipal coun-

**ACCUSATION
BY FISCAL.**

cil, or any permanent resident when, the same budget having been in force for two years, a third fiscal year begins without the municipal council having approved the proper budget. In such case the budget for the previous year shall continue in force, with the same exceptions as in paragraph first.

**PENALTIES
AND INDEMNITIES.**

Failure to comply with the law in this particular, either through negligence or malice, shall be punished by removal from office of the party at fault and the imposition of a fine of one hundred dollars (\$100) to five hundred dollars (\$500) in addition to the consequent liabilities for loss and damage caused the municipality or private individuals.

**ANNULMENT
OF APPROPRIATIONS.**

Art. 204.—At the end of the fiscal year all appropriations made and not used shall be annulled. During the next forty days, the work of collecting the revenues of the budget and the liquidation and payment for the services effected during the year shall be completed. Any sums pending collection or payment at the close of said period, shall constitute the respective accounts of balances (resultas) carried forward from the past year.

**LIQUIDATION
OF BUDGET.**

BALANCES.

**REVENUES
OF PREVIOUS
YEARS.**

Art. 205.—The respective obligations of the current fiscal year shall not be paid from revenues of a previous fiscal year, unless all the services and obligations of the latter shall have been paid in full.

**INCIDENTAL
REVENUES.**

The application of revenues of an incidental or transitory character, to the payment or execution of ordinary services or obligations is forbidden.

CHAPTER III.

TREASURY AND COLLECTIONS.

COLLECTIONS.

Art. 206.—The collection of all taxes, revenues and other dues belonging to the municipal council, must be made by the officials of the municipal administration as provided in this chapter, and shall in no case be entrusted to third parties.

**SERVICE OF
COLLECTION.**

Art. 207.—The collection service shall be in the charge of the treasurer, and may be entrusted by delegation, in the rural barrios at a distance from the center of population, to the mayors of the same, who, in these duties, shall be exclusively subordinate to the treasurer.

Art. 208.—Without prejudice to the provisions of the foregoing article, no member or official of the municipal government shall be permitted to receive any sum, directly or indirectly, from tax payers or other debtors to the municipality for any cause, for the payment of such debts; nor shall they be permitted to acquire, by purchase or otherwise, claims against the municipality.

PROHIBITION AGAINST RECEIVING FUNDS.

PROHIBITION TO ACQUIRE CLAIMS

Art. 209.—The bonds of municipal treasurers shall be fixed by the municipal councils, according to the amount of the budget, provided that they shall never be less than those fixed in the following schedule:

BONDS OF TREASURERS.

When the budget is one million dollars or more, sixty thousand dollars;

From five hundred thousand to less than one million, fifty thousand dollars;

From three hundred thousand to less than five hundred thousand, thirty thousand dollars;

From fifty thousand to less than three hundred thousand, ten thousand dollars;

From twenty-five thousand to less than fifty thousand, five thousand dollars;

From ten thousand to less than twenty-five thousand, two thousand dollars;

Less than ten thousand dollars, twenty per cent. of the amount of the budget.

The municipal councils shall include in the budgets the appropriations necessary to pay the premiums on the bonds required from municipal treasurers, and barrio mayors if the bonds are given by legally constituted companies or in some other legal form.

APPROPRIATIONS FOR PREMIUMS.

These companies shall be authorized for the purpose by the state. These bonds shall be in force until the treasurer's accounts are approved.

The premium upon the bond shall be that established by the companies in their respective schedules.

It shall be stated in the bond contracts that the same also guarantee the financial liability of the substitute which the treasurer may designate in accordance with article 210.

Art. 210.—In the case of a permanent vacancy in the office of treasurer, the municipal council shall designate a councilman to act as treasurer, without compensation, until the office is filled; and,

VACANT TREASURERSHIP.

in case of a temporary vacancy, the treasurer shall turn his office over to a substitute, designated by him, at his cost and under the liability of his bond.

**COLLECTION
OFFICES.**

Art. 211.—The treasury shall be established in the town hall, and the collection of the revenues of the rural barrios, in the office of the respective barrio mayor.

House to house collections are prohibited.

**CANCELLA-
TION OF
BONDS.**

Art. 212.—No bond of a person who must render accounts shall be cancelled or returned, until such accounts shall have been finally approved by the auditor general of the state and until the officials whose conduct is guaranteed by such bonds are released from liability.

**REQUISITES
FOR RETURN.**

Every resolution pertaining to the return of a bond must be adopted by the municipal council, in view of documents showing that the person under bond is free from liability.

**BONDS OF
CONTRACTORS**

The bonds of contractors shall be returned upon the resolution of the municipal council, when it believes that the former have complied with all the obligations resting upon them in the work, service or contract.

**UNAUTHO-
RIZED PAY-
MENTS.**

Art. 213.—The amount of any payment made without being ordered and approved, or which, being so ordered and approved is not comprised in the corresponding distribution of funds, or exceeds the amount appropriated, shall immediately be made good by the treasurer, without prejudice to the further liabilities he may have incurred.

**LIABILITY
FOR.**

**PROHIBITED
PAYMENTS.**

Art. 214.—Payments without vouchers, compensation of credits, advances on account and transfers of credits are prohibited. Reasonable advances without vouchers are excepted in the special case of expenses to be incurred for the transfer of prisoners, minors and insane persons to prisons and asylums. The treasurer shall, under his responsibility, take care that in due time the expenditures for such purpose are satisfactorily justified by proper vouchers. If he should fail to do so, or the justification is imperfect, or if he should not obtain the immediate return of any surplus, he shall inform the mayor of the facts, in order that the latter may take the proper action.

EXCEPTION.

**JUSTIFICA-
TION BY
TREASURER.**

Art. 215.—The president of the republic may at any time designate one or more officials to inspect municipal expenses and receipts and the books, accounts and other matters relative to the finances of the municipality, and report on the same. If anything is found which is deemed punishable, report of the same shall be made to the courts of justice. All municipal officials and employees are obliged to aid the labors of such inspectors and to assist them in every way in their power.

INVESTIGATION COMMITTEE.

CHAPTER IV.

MUNICIPAL REVENUES.

Art. 216.—The municipal councils may establish the revenues necessary to meet the expenditures provided for in the budgets, aside from the income of the municipality derived from its communal property and from any other legitimate sources, conforming, for this purpose, to the following bases and maximum rates of taxation, which, for said purpose, are declared compatible with the system of taxation of the state:

MUNICIPAL REVENUES.

(1) Tax upon the net income derived from urban property, which shall not exceed twelve per cent.

URBAN PROPERTY.

(2) Tax upon the net income derived from rural property, which shall not exceed eight per cent., on estates grinding sugar cane raised on their own lands; six per cent. on estates on which sugar cane, tobacco, coffee, cocoa, pine-apples or several of these products are cultivated at the same time; and four per cent. on those used for any other product or purpose. Estates which also grind cane grown on other lands, or only such cane, shall pay a tax not exceeding two per cent. on the net proceeds of such cane; without prejudice to the rate per cent. on their own cane which they grind.

RURAL PROPERTY.

(3) Tax on the exercise of industries, commerce, professions, arts and trades, which shall not exceed the rates fixed by classes and headings in the first three tariffs attached to the law of municipal taxation, and which may be freely regulated by the municipal council as to the remaining tariffs

INDUSTRY, COMMERCE, PROFESSIONS, ARTS AND TRADES.

(4) Tax upon the transfer of cattle, horses, mules and asses, which shall not exceed twenty five

CATTLE, HORSES, ETC.

**WATER AND
MARITIME IN-
DUSTRIES.**

cents for the transfer of the ownership of each animal and for the registration of live stock imported. Cattle under two years of age shall pay only fifteen cents for each transfer of ownership.

(5) Tax on water and maritime industries, whether relating to the interior traffic or service of harbors and rivers, or coastwise transportation of freight and passengers. This tax shall not exceed the tariff rates attached to the aforementioned law.

CEMETERIES.

(6) A tax which shall not exceed five per cent. upon the gross proceeds of cemeteries, when they do not belong to the municipality, after deducting the charges made for the religious ceremony in connection with the interment.

**COMPANIES
OR PARTNER-
SHIPS.**

(7) A tax not exceeding eight per cent. of the net profits of companies or copartnerships doing business with funds contributed by the members thereof at one time, or at periodical or irregular intervals. When their by-laws or regulations contain penal clauses for non-payment, or other clauses of a similar character, they shall pay not more than eight per cent. on their gross receipts.

This tax shall be paid to the municipality in which the company has its legal domicile.

The following are excepted:

EXCEPTIONS.

(a) Savings banks, pawnshops and mining companies; insurance companies and banks of issue and discount, which pay taxes to the state by virtue of another law.

(b) Those companies or copartnerships which are comprised in any manner in the tariffs attached to the law of municipal taxation, or in the tariffs freely regulated by the municipal councils, and which, as industrial enterprises, pay taxes to the municipality.

BEVERAGES.

(8) Annual tax for a full license for the sale for immediate consumption of wines, liquors, and spirits, and in general, for spirituous or fermented beverages, freely regulated by the municipal council.

**SLAUGHTER
OF CATTLE.**

(9) Tax upon the slaughter of cattle, which shall not exceed two dollars per head for bovine cattle, and one dollar for hogs, sheep and goats.

**BUILDING
LICENSES.**

(10) Tax on the issue of permits for the construction and repair of buildings and other works, freely regulated by the municipal council.

**OPENING OF
INSTITUTIONS**

(11) Tax for the opening of non-charitable institutions freely regulated by the municipal council.

(12) Fee for the issue of certifications, freely regulated by the municipal council.

CERTIFICATIONS.

(13) Tax for the sealing of weights and measures, in the form prescribed by the law of municipal taxation.

WEIGHTS AND MEASURES.

(14) Tax on the transportation of meat, freely regulated by the municipal council.

TRANSPORTATION OF MEAT.

(15) Tax on land transportation industries, excepting:

LAND TRANSPORTATION INDUSTRIES.

(a) Railroads owned by corporations and those for use of the public, which as such, pay taxes to the state.

RAILROADS OWNED BY CORPORATIONS.

(b) Railroads belonging to the owners of estates and operated by them on said estates, for the hauling of their own products.

RAILROADS ON ESTATES.

(c) Tramways which pay taxes to the state, on account of operating in more than two municipalities.

BASIS OF THIS TAX.

This tax shall be freely regulated by the municipal councils, upon the basis of the unit of transportation, excepting on railroads and tramways, in which the kilometers of road operated in each municipal district shall be taken as a basis.

(16) Tax upon articles of luxury, comfort or of annoyance to the neighborhood, in accordance with the rates fixed by each municipal council.

ARTICLES OF LUXURY.

(17) Tax on interments in the municipal cemeteries, freely regulated by the municipal council.

INTERMENTS.

(18) Tax on public spectacles and dances, freely regulated by the municipal council.

PUBLIC SPECTACLES AND DANCES.

(19) Tax on permitted games and on wagers authorized in the same, freely regulated by the municipal council.

PERMITTED GAMES AND AUTHORIZED WAGERS.

Art. 217.—Every vacant lot, or a lot upon which there is a ruinous building shall pay a tax to the municipality at the rate of twelve per cent. on the estimated income value of the land, or of the land and buildings, in a proper case; without prejudice to what each municipal council may decide

TAX ON VACANT LOTS.

as to the form and time for the obligatory building on vacant lots or the rebuilding of ruinous structures.

WHEN NOT ASSESSABLE.

This tax shall not be assessed against vacant lots forming part of new subdivisions, (repartos) until five years after such subdivision shall have been approved by the municipal council.

JOINT USE OF ITEMS OF TAXATION.

Art. 218.—All the items of taxation referred to must be utilized jointly by the municipal councils, in the proportion which they may consider advisable with respect to each of them; unless, in the judgment of the municipal council, reasons of a special character should render advisable the contrary.

DISPOSITION OF FINES COLLECTED BY CORRECTIONAL COURT.

Art. 219.—All fines imposed and collected by the correctional courts shall form part of the ordinary revenues of the municipalities, and each judge shall turn them into the municipal treasury of the respective district as soon as he collects them, without prejudice to the provisions of law pertaining to sanitation.

WHEN STATE AID IS REQUIRED.

Art. 220.—Every municipality which requests pecuniary aid from the state must first establish that, in the time and manner prescribed by this law, it has collected, in so far as possible, all the taxes it is authorized to collect up to the maximum amount determined in each case by article 216 of this law; or according to the maximum rates which the municipal council may have established in the matter of taxes left to their free regulation. Without those requisites, it cannot present a petition.

CHAPTER V.

SPECIAL ASSESSMENTS.

PURPOSES OF ASSESSMENT.

Art. 221.—The municipal council may resort to special assessments only in urban centers and solely for the purpose of opening, widening, extending, grading, parking and beautifying the streets, avenues and alleys and for the construction of pavements, of curbing and gutters, of sidewalks and sewers where they do not exist, or, if for any justified reason of public utility, their renewal, resulting in a change of system, may be provided for. In no

case shall special assessments be levied for the ordinary repairs of streets, avenues and alleys, nor will any piece of property, which has been redeemed from liability for the cost of any improvement, as now provided by law or as herein provided, be thereafter liable to further special assessment for the cost of such improvement.

Art. 222.—Before resorting to the special assessments authorized in the preceding article, the municipal council shall announce its proposal to proceed thus by means of a resolution, describing the work for which said special assessment is intended, the boundaries of the district to be affected by and the estimated cost of the same. The resolution shall be published in the newspaper or newspapers in which the municipal council ordinarily inserts its advertisements or resolutions, for a period of ten days, and, if there should be no newspaper, by posters fixed in the customary places for the same length of time.

During the thirty days following, the owners of properties included in the proposed assessment may present petitions in writing, in which they shall state their objections in whole or in part. These petitions shall be decided by the municipal council, which shall not order the works to be done until all the petitions have been passed upon.

If, within the said thirty days, the owners of three-fourths of the total value of the property which would be included in the assessment should sign a petition in opposition to the same, the municipal council shall not carry out the assessment until after six months at least have elapsed, and then by resolution of two-thirds of the councilmen which the municipal council shall have in accordance with this law.

The provisions of the preceding paragraph shall not be held applicable to the laying of sewers.

Art. 223.—The municipality shall be paid for the cost of such improvements by the owners of the properties included in the zone of the works, whether such properties belong to private parties, to the municipality, to the province or to the state and in the amount and form which this title provides except as to the manner of payment by the province or state

**ADVERTISE-
MENT OF PRO-
POSED WORK.**

**WHEN PRO-
TEST PRE-
VAILS.**

**INSISTENCE
OF COUNCIL.**

**SEWERS EX-
CEPTED.**

**REIMBURSE-
MENT TO MU-
NICIPALITY.**

for which they shall make provision in their budget. The accounts charged against the owners by reason of these expenditures shall be known as "Special Assessments."

**TIME FOR
LEVY AND
COLLECTION.**

Art. 224.—Special assessments may be levied and collected before the work is begun or as the improvements are completed in front of, or along, or upon any lot or piece of ground, or at any time the improvement is entirely completed, or in the time and form provided in the ordinance authorizing the assessment.

**PAYMENT
IN INSTAL-
MENTS.**

Art. 225.—The municipal council may authorize payments of such special assessments by instalments, which shall always be equal as to their periods and amounts.

**HOW IMPOS-
ED.**

The total cost of the improvements shall be levied at one time upon the property and become delinquent, the first payment, in thirty days after such levy, and the remaining payments on the respective dates provided for them, the total period of the collections not to exceed five years. Each of said instalments, except the first, shall draw interest from the time of the levy until the same shall become delinquent, and all of the instalments, after they become delinquent, shall be governed in this and other applicable respects by general provisions for the collection of delinquent municipal taxes.

**LIMITA-
TION OF FIVE
YEARS.**

**IN CASE OF
A LOAN.**

In case it is necessary to contract a loan for the purpose of accomplishing the work in question, the special assessment shall be surcharged with an interest two per cent. greater than that drawn by said loan. This two per cent. shall be considered as the cost of collecting the respective assessments. Whenever a loan is not contracted for the purpose, the municipal council shall fix the rate of interest.

SURCHARGES.

The interest provided for in this article shall not operate against the imposition of surtaxes for delinquency.

**PAYMENT
OF ASSESS-
MENT BEFORE
DUE.**

Art. 226.—The special assessments may be paid before they are due. Where the municipality resolves to issue bonds for the purposes of a loan in the matter, the owner of the property liable to the assessment may, in order to avoid the payment of interest, pay the entire amount chargeable against his

property within an appropriate time, fixed by the municipal council, prior to the issuance of the bonds. After the issuance of the bonds property liable cannot be redeemed from such liability, except by the payment of all the instalments due and to be due of the assessments made, plus the interest that they should draw from the date of the issue of the bonds until the maturity of the last instalment.

Where bonds are issued, all collections of principal and interest in special assessments shall be deposited to the credit of a sinking fund in the premises and shall not be used for any other purpose.

**SINKING
FUND.**

Art. 227.—Whenever any of the works mentioned in this chapter are performed by contract, the municipal council may transfer the assessment to the contractor in payment of whatever may appertain to him; but the collection of the same shall be in charge of the municipal administration, and the municipality shall be obliged to pay any amount which it fails or neglects to collect.

**PAYMENTS
TO CONTRACT-
ORS.**

**COLLECTION
BY MUNICI-
PALITY.**

Whenever bonds are issued for the execution of work under contract, the bonds may be transferred to the contractor performing the work.

**TRANSFER
OF BONDS.**

Art. 228.—In computing the expenses for any work for the purposes of making special assessments, if said work is to be executed by contract, there shall be included the total amount to be paid by the municipality to the contractor or contractors and the expense of special inspection, excepting salaries paid to permanent employees (plantilla) of the municipal council; and if the work has been executed by the municipal administration, the computation shall include only the value of the materials used and the amounts paid by the municipality for the labor engaged exclusively on such work.

**COMPUTA-
TION OF COST
OF WORK.**

**IF BY CON-
TRACT.**

**IF BY AD-
MINISTRA-
TION.**

Art. 229.—When the municipality executes the work, the technical official designated by the municipal council to direct it shall prepare the estimate of the necessary materials and the amounts to be paid for labor. Said technical official shall present to the mayor, within fifteen days after the termination of the work, a detailed account of the materials used and the amount paid for labor, exclusive of permanent employees engaged thereon.

**TECHNICAL
ESTIMATE OF
THE WORK.**

**STATEMENT
OF COST OF
WORK.**

Art. 230.—The mayor shall present to the municipal council a detailed statement showing the total cost of the work, whether done by the municipal administration or by contract. In the former case he shall do so within a week after the presentation of the account by the technical official who has directed the work, and, in the latter case, one week after payment has been made to the contractor.

PAVING.

**DIVISION
OF COST.**

Art. 231.—The cost of paving, curbing and guttering the public thoroughfares of an urban district, except the intersection of streets, the parks and portions occupied by railways or tramways, shall be paid in the proportion of one-third by the municipality and the remainder by means of a special assessment upon the properties abutting upon the said public thoroughfare.

In the division of costs for the pavement of such public thoroughfares, the municipality shall be credited with that part of the work done by railways or tramways, but shall not collect from abutting properties for any part of such work that may exceed the proportion of one-third, which the municipality would have otherwise paid.

**RAILROAD
AND TRAM-
WAY COMPA-
NIES.**

Art. 232.—When the public thoroughfare is occupied by the rails and tracks of tramway or railway companies of whatsoever motive power or traction, the proper pavement and maintenance in good condition of all the space between the different rails and tracks and also a space of fifty centimeters outside of the outer rails of the outside tracks, shall be required of the companies, both on their main lines and on their connections, switches and side tracks.

**REFUSAL OR
FAILURE TO
PAVE.**

If the company refuses to construct, renew or repair said pavement in the manner and with the materials prescribed, or fails to do so within the time ordered by the mayor, the work shall be done by the municipal administration and the expenses occasioned thereby shall be collected by a special assessment against said company immediately upon the termination of the work, and in the proper legal form, without prejudice to the imposition of a fine that may be provided for violation of municipal ordinances.

For any damages or injury to persons or property resulting from a failure on the part of any such companies to keep in repair and safe in all respects for the use of the traveling public the said tracks, or for obstructing the streets or avenues of the city, they shall be liable and the city shall be exempt from such liability.

RESPONSIBILITY FOR DAMAGE.

Art. 233.—When sidewalks, curbing or gutters are constructed or renewed, as provided for in article 221, the space between sidewalks and the curbing graded and sodded and trees planted therein, by the municipal administration, according to a general plan for that purpose, the total expense of the construction shall be paid by a special assessment upon the real estate abutting thereon, dividing said cost among them in proportion to their lineal meters.

SIDEWALKS, ETC., CONSTRUCTED BY MUNICIPALITY.

Art. 234.—Whenever a municipal council resolves to require of property owners, at their own cost, any or all of the work for which provision is made in the preceding article, the municipal council shall furnish specifications as to the class of materials to be employed, and the width, length and height of the sidewalks and sodded space between sidewalk and curb, the class and size of trees, and other specifications which may be thought proper; and if any property owner fails to construct or renew said sidewalk and sod and grade the space between sidewalk and curb, and plant the trees therein, within the time specified, the municipal council shall cause such work to be done and the cost shall be paid by a special assessment upon said property, and said assessment shall be due and payable immediately upon the completion of the work.

CONSTRUCTED BY OWNERS OF PROPERTY.

FAILURE OF OWNERS.

If the municipal council should resolve that, for the sake of uniformity of construction or other good reason, this work should be done by the municipal administration, then the said property owners may be required to pay, in advance of the commencement of the work, the proper proportion of the cost due from them.

Art. 235.—When sewers are constructed, the proper technical officer shall cause a map to be prepared, showing the whole area to be drained and the area drained by each main or intercepting sewer,

SEWERS.

**PROPERTY
SUBJECT TO
ASSESSMENT.**

as hereinafter defined, and showing all streets in said areas including those accepted by the city (*repartos*). All land shall be liable to special assessments for sewers, except public ways and the parks lying within said area belonging to the state, to the city or to private parties, which assessments shall be divided among the parcels liable proportionally to the number of square meters in each.

**CLASSIFICA-
TION OF EX-
PENSES.**

Art. 236.—The expense of sewers shall be divided into four separate parts, namely:

1. The expense of sewage pumps and buildings, force mains, main outfall sewers and all storm-water sewers, none of which shall be included in the estimate for any special assessment.

2. The expense of main sewers and interceptors, which shall include all sewers over thirty centimeters in diameter.

3. The expense of all sewers thirty centimeters or less in diameter.

4. The expense of all connections between sewers and the street line of abutting property.

**ASSESS-
MENTS FOR
MAIN AND IN-
TERCEPTING
SEWERS.**

Art. 237.—Special assessments for sewers shall be computed as follows, viz:

Two-thirds of the expense of the main and intercepting sewers shall be a special assessment upon all the property which is or will be drained by said sewers directly or indirectly.

**SMALLER
SEWERS.**

Two-thirds of the expense of all sewers thirty centimeters or less in diameter shall be a special assessment upon the property abutting on the public way in which they are laid; and when any property is to drain directly into any main or intercepting sewer, a special assessment shall be made upon the property abutting upon the public way in which said main or intercepting sewer is laid, equal to two-thirds of the estimated cost of a thirty centimeter sewer laid in the place where said main or intercepting sewer is.

**CONNEC-
TION WITH
PROPERTY.**

Two-thirds of the expense of connections between sewers and the street line of abutting property shall be a special assessment on said property.

**CONDUIT
CONNECTIONS.**

Art. 238.—Whenever provision is made for the paving or repairing of any street or district, it shall be the duty of the municipal council, before the

work is done, to require gas, sewer and other conduit connections, which are necessary or will become necessary, to be made, establishing regulations that shall determine the distances from the street mains to the property line abutting upon the street; and shall require that the said connections as well as repairs and renewals necessary in the near future shall be made by the respective owners of the mains. Upon the neglect or failure of the respective water or gas companies to do the work within the time prescribed, the municipal council may order the same to be done, and the cost thereof may be deducted from any indebtedness accrued or accruing of the municipality to the said companies, or be paid by the levy of any assessment. When the municipality owns the gas and gaspipe main or water and water-pipe main, or other public utility services, with which main or mains the connections are to be made, the municipal council may assess the cost of such connections upon the property for which the connections are intended.

**REFUSAL OR
FAILURE TO
MAKE CON-
NECTIONS.**

Art. 239.—The special assessments shall agree with the municipal taxes as regards the precepts on the preferred lien established in favor of the municipality by the mortgage law; and they shall be collected in the form and under the penalties provided by law against delinquent tax payers in country and city taxation.

**LIEN FOR
SPECIAL AS-
SESSMENTS.**

The special assessments provided for in this chapter, shall be imposed upon all property, even when unproductive.

Art. 240.—Whenever by the grading of any street, alley or other public ground in urban limits, pursuant to the action of the municipal authorities in changing the grade of such street, alley or public ground after valuable improvements have been made upon real property abutting thereon, such real property is injured or diminished in value, the owner of such real property or improvements may recover from such municipality the amount of such damage or diminution in value in a civil action brought for the purpose. The provisions of this article shall be held to cover and apply to all cases wherein a change of established grades of street, alley or public

**LIABILITY
OF MUNICI-
PALITY FOR
DAMAGES.**

grounds may have heretofore been determined upon, but has not been carried into actual effect.

TITLE VI.

LOANS.

EXPENSES.

Art. 241.—The current expenses of the municipality shall be defrayed from the revenues which the municipal council has established with the character of ordinary revenues. When public works or services are involved which cannot be carried on from the sources of revenue specified in article 216, the municipal council may contract loans subject to the provisions of the following articles.

ORDINARY REVENUE LOAN.

DISPOSITION OF LOAN FUNDS.

Art. 242.—The moneys proceeding from a municipal loan shall not be devoted to any other purposes than those specified in the resolution of the municipal council authorizing said loan, and shall be included in the respective budgets.

CONDITIONS.

INTEREST AND SINKING FUND.

Art. 243.—Whenever the municipal council resolves to contract loans, it shall at the same time vote the necessary permanent revenues for the payment of interest and to provide a sinking fund.

TAXATION.

The taxes voted by the municipal council for this purpose must be in accordance with the system of taxation of the state, for which purpose the sources of revenue of the state and the revenues referred to in article 216 shall not be charged with a greater per cent. than that which, within the proportions therein determined, has not been already utilized for the ordinary expenses of the municipality.

REFEREN- DUM.

Before said loan can be obtained, it shall require the approval of at least two-thirds of the voters of the municipal district.

ORDINARY REVENUES.

The ordinary revenues of the municipality shall not be applied to the payment of interest on the loan or to providing a sinking fund for the payment thereof.

PERIOD OF LOAN.

No loan shall be made for a period of more than thirty years.

Art. 244.—When the municipal council deems it necessary or conducive to the interests of the municipality to contract a loan, it shall proceed in accordance with the provisions of this and the following articles of this title.

The motion made in favor of contracting a loan shall set forth the conditions upon which it is to be obtained, and shall contain detailed information with respect to the work or services to which the said loan is to be devoted.

Copies of said motion shall be distributed among the councilmen. They shall be convened in special session, after an interval of at least five days, for the purpose of discussing the matter.

At that session the expediency of the loan and the terms and conditions upon which it should be obtained shall be discussed, after which the motion shall either be accepted or rejected.

Art. 245.—If it is decided to accept the motion, it shall be referred to the committee on treasury and budget for the preparation of a draft of a resolution specifying all the conditions for entering into the loan and for the payment of interest and providing a sinking fund, designating the permanent revenues to be devoted to this purpose, and setting forth any other facts deemed pertinent in connection therewith.

Art. 246.—When loans for public works are involved, the proper projects, plans and budgets must first be formulated and approved by the municipal council, with the formalities prescribed in the provisions in force and applicable to the subject.

Art. 247.—The project shall be discussed at the special sessions which may be necessary and, after having been approved by two-thirds of the number of councilmen which the council should have in accordance with this law, the opinion of the electoral body of the municipality shall be heard, as prescribed by article 105 of the constitution, the matter being submitted *ad referendum* in accordance with the procedure established by the electoral law.

Art. 248.—The president of the municipal council shall make a report to the latter of the result of

PROCEDURE.

PROPOSITION.

COPIES OF MOTION.

SPECIAL SESSION.

DISCUSSION.

DRAFT OF ORDINANCES.

PLANS AND BUDGETS.

APPROVAL AND REFERENDUM.

RESULT OF THE VOTING.

- APPROVAL.** the referendum at a special session. If at least two-thirds of the voters of the municipal district voted affirmatively, the loan shall be declared approved.
- DISAPPROVAL.** If said two-thirds should not have voted affirmatively, the loan shall be considered rejected, and it cannot be proposed again until a year shall have passed.
- CALL FOR BIDS.** In the event of the loan having been approved, the mayor shall proceed to contract it under the conditions agreed on, always after calling for public bids, which shall be submitted for the approval of the municipal council, and if the latter should not be in session the mayor shall call a special session. If the city council approves the bids the mayor shall authorize the proper documents to be made.
- FORM OF BONDS.** **Art. 249.**—The form and amount of the bonds of the loan shall be fixed by the municipal council. Said bonds and their coupons shall be signed by the mayor and the treasurer. The accountant of the municipality shall examine them and enter the date of the issue thereof in the register of the municipal debt provided for by the law of accounting.

TITLE VII.

MUNICIPALITIES WHOSE POPULATION DOES NOT EXCEED TWENTY THOUSAND INHABITANTS

- MUNICIPALITIES WITH SMALL POPULATION.** **Art. 250.**—Every municipality whose population does not exceed twenty thousand inhabitants, shall organize its government in accordance with the provisions of this title.
- NUMBER OF COUNCILMEN.** **Art. 251.**—The number of councilmen in these municipal councils shall be in accordance with article 43 in concordance with article 44.
- SPECIAL QUORUM.** **Art. 252.**—In cases in which this law requires the vote of two-thirds of the total number of councilmen which the council should have in accordance with this law, in order that a resolution may be adopted, it shall be understood that the vote of four councilmen is required in municipalities having five councilmen, and of five councilmen in those which have seven.

Art. 253.—Upon the organization of these municipal councils in accordance with the provisions of article 61, a president and a secretary only shall be designated.

ORGANIZATION OF THE MUNICIPAL COUNCIL.

Art. 254.—When no officials with certificates can be obtained for the technical services of the municipal administration, their places may be filled by persons of acknowledged experience in the respective services, excepting in cases of physicians.

TECHNICAL SERVICES.

Art. 255.—The work of accounting, the minutes of the sessions of the municipal council, the contracts entered into, the imposition of fines, and publications and citations shall necessarily be in writing; but verbal petitions may be made to the mayor who must render decision thereon immediately, or not later than the following day, if the matters involved are comprised within his own functions, otherwise sending them forward without delay.

ACCOUNTING, DOCUMENTS, ETC.

VERBAL PETITIONS.

For this purpose the mayor shall fix an hour at which he shall daily grant public audiences, at which the secretary of the municipal administration shall be present, for the purpose of making notes of the petitions.

DAILY AUDIENCE.

Art. 256.—The secretary of the municipal administration shall discharge the duties of the accountant-auditor of the municipality, and shall, therefore, be the head of both departments; but when the budget exceeds ten thousand dollars, the municipal council may appoint an accountant, but always within the limitation established by article 192 of this law with respect to personnel expenses.

CONSOLIDATION OF OFFICES.

Art. 257.—The municipal council shall organize only two permanent committees, the first on the treasury and budget and the second, on the development of the moral and material interests of the municipality.

PERMANENT COMMITTEES.

Art. 258.—The second of the two committees mentioned shall be composed of two councilmen and two associate members which the municipal council shall select from among the permanent residents of recognized standing in the municipal district. The committee on the treasury and budget shall be made

FORMATION OF COMMITTEES.

up as prescribed by article 72 and the committees on taxation in the form fixed by articles 73 and 74 of this law.

DUTIES.

Art. 259.—The committee on development of the moral and material interests of the municipality, in addition to possessing initiative in everything connected with those interests and rendering the reports which the municipal council may call for, shall submit to the latter, in the month of January of each year, a report on what it may deem advisable for the development of the common wealth, the improvement of the public services, means of communication, and progress of any kind, recommending the measures it may deem practicable in the furtherance of such ends.

ASSOCIATE MEMBERS.

Art. 260.—For designation as associate members of committees which are not permanent the owners of urban or rural property in the municipal district, even though they reside therein temporarily, shall be placed on an equal footing with the permanent residents of the municipality.

MESSAGES TO COUNCIL.

Art. 261.—Fifteen days before the opening of the quarterly sessions of the municipal council provided for in article 139 of this law, the municipal mayor shall comply with the provisions of article 171 without prejudice to the other provisions contained in article 170.

PUBLICATION OF SEMI-ANNUAL REPORTS.

Art. 262.—Every six months the secretary of the municipal administration shall prepare, in duplicate, an abstract of the different work done by the committees of the municipal council, filing one copy and sending the other for publication to the newspaper or newspapers in which the municipal administration publishes announcements, or in their absence, in any other form possible.

CHANGE OF CLASS.

Art. 263.—When the municipal council of any of the municipalities comprised in this title, is of the opinion that its population exceeds twenty thousand inhabitants, it shall so declare, complying in a proper case, with the provisions of article 44 for the purpose of organization under the general provisions of this law. This declaration shall be made upon the

DATA.

basis of the data showing the fact. A certified copy of the minutes of the session and the documents in the case shall be sent to the president of the republic and to the governor of the province, as soon as the resolution becomes final.

For the reorganization decided on, an election for mayor and the councilmen to which the new municipal council may be entitled, shall be held on the date on which the next renewal thereof should legally take place, according to the provisions of article 60 and related articles, and no changes in personnel shall be made, nor any resolution put into effect during the fiscal year changing the budget in force at the time of the reorganization.

REORGANIZATION.

Art. 264.—All the provisions of this law shall be applicable to the municipalities which are the subject of this title in so far as they are not opposed to the special provisions of the same.

GENERAL PROVISIONS.

TITLE VIII.

REMEDIES AND LIABILITIES ARISING FROM THE RESOLUTIONS OF MUNICIPAL COUNCILS AND THE DECISIONS OF MUNICIPAL MAYORS AND BARRIO MAYORS.

CHAPTER I.

REMEDIES.

Art. 265.—The municipality, as a juridical person capable of holding rights and exercising duties, possesses its own patrimony and may perform acts and enter into contracts with respect to the same. It may also, as an administrative entity, take such steps as may be required to further the various public services, being denominated for this purpose as the "Municipal Administration."

JURIDICAL PERSON.

Art. 266.—The final resolutions of the municipal council put an end to the administrative proceedings, and an appeal may be taken therefrom, within such periods as may be prescribed by law, to the competent court by contentious-administrative procedure, provided such resolutions impair rights of an administrative character previously acquired.

FINAL RESOLUTIONS.

When the municipality acts in its capacity as a juridical person recourse shall be had to the courts, through ordinary procedure, as also when the resolution impairs rights of a civil character.

The decisions of the mayor, as the head of the municipal administration, shall also put an end to the administrative proceedings, and the same remedies hereinbefore set forth shall lie against them as in the cases previously cited.

In either case, the party who considers himself aggrieved must previously interpose an appeal for reconsideration, within fifteen days following the service of notice or the publication, as the case may be, of the resolution or decision, or within fifteen days after that on which the interests of the appellant are directly affected. This appeal shall be presented to the mayor or to the president of the municipal council, according as it involves a decision of the former or a resolution of the latter, and they shall render their decision within the period of five days. If the municipal council is not in session, or if its resolution is taken without time enough remaining in which to present and decide a petition for reconsideration, then, without the latter being necessary, contentious-administrative action may be begun, within the legal period.

In proceedings conducted through contentious-administrative channels against a resolution of the municipal council, the period prescribed for this purpose by the law on the subject shall commence to run from the day following that on which the period of ninety days shall have expired within which the president of the republic may exercise the power conferred upon him by the second paragraph of article 158.

In the event of the suspension of the resolution by the mayor, the governor, or the president of the republic, the proceedings shall conform to the provisions of article 162.

**REVOCATION
OF RESOLU-
TIONS.**

**VOTES NE-
CESSARY.**

Art. 267.—Municipal councils and mayors may revoke their resolutions, provided, when they do so, that they do not impair rights created thereby in favor of third persons, but they cannot revise resolutions which, having been the subject of contentious-administrative or judicial proceedings, have been affirmed. The resolution for revision requires

a number of councilmen equal to that required for the adoption of the resolution.

Art. 268.—Whenever any municipal contract, or any resolution of the municipal council, is prejudicial to the interests of the municipality, the council may declare it injurious (*lesivo*) within a period of five years, even though there exist interests of third parties; but a contentious-administrative appeal must be interposed in due time and form before the *audiencia* of the proper province, after such declaration shall have been made, requesting the rescission.

**ANNULMENT
OF CONTRACT
OR RESOLU-
TION.**

Such declarations cannot be made with regard to resolutions which may have been confirmed by virtue of a judicial complaint, or appeals therefrom, or by a revoked suspension thereof. The injury having been established before the court, this contract shall be rescinded, or the resolution in question shall be revoked, whatever may be deemed proper and equitable as to indemnity and rights acquired by third persons being also determined.

RESCISSION.

RESOLUTION.

The declaration of injury (*lesivo*) having been made in the case of a contract, the persons interested shall be notified thereof on the same day, and if they shall agree thereto, the declaration shall become effective without the necessity of a contentious-administrative appeal. If the municipal council should not adopt a resolution as to indemnities, they may be made the subject of proceedings before the ordinary courts.

**NOTICE TO
INTERESTED
PARTIES.**

Art. 269.—The mayor must take the initiative to have the municipal council make the declaration referred to in the preceding article, provided he deems it advisable to have such action taken, and, to this end, he shall address the president of the municipal council in writing, setting forth in full the reasons on which he bases his opinion.

**INITIATIVE
OF MAYOR
ABOUT INJUR-
IOUS CON-
TRACTS.**

Art. 270.—When, in an administrative contract with the municipality, the mayor, believes that the contractor has violated the conditions of the contract, he shall at once communicate it to the municipal council, setting forth the facts fully, and the council may resolve on the suspension of the execution of

**DEFAULT
OF CONTRAC-
TOR.**

**SUSPENSION
OF CONTRACT.**

the contract, making provision at the same time for the continuation of the work and service in question.

Within sixty days after service of notice of the resolution upon the contractor, he may appeal to the court of competent jurisdiction for the purpose of enforcing any rights he believes he may have; and, if he should fail to do so, it shall be taken for granted that he accepts the suspension, which shall thereupon be converted into rescission.

CLAIMS.

If the contractor should institute proceedings, the suspension of the contract shall continue during the hearing of such proceedings, unless the term stipulated for the duration of the contract should expire in the meantime, in which case the municipal council shall be at liberty to enter into a new contract for the same service or work, without prejudice to the result of the proceedings instituted and the application of the penal clauses of the contract, if the failure of the contractor to comply therewith is confirmed.

QUESTION OF JURISDIC- TION.

Art. 271.—Any question of jurisdiction, whether positive or negative, between mayors, or between municipal councils, or between the latter and the former, or with the provincial council, or with the governor, shall be decided by the contentious chamber of the respective audiencia, if the question be between mayors or councils of the same province, with an appeal to the supreme court, which shall have jurisdiction to decide all other cases. The supreme court shall render its decision within thirty days after the date on which any of the parties appeal to the respective court. The court shall hear the adverse party before rendering decision, granting him a period for the purpose, after which it shall render its decision without further proceedings.

SUSPENSION OF ACTION.

The municipal council and the mayor shall cease to act in the matter which is the subject of the question of jurisdiction, as soon as the other party, by means of the proper communication, gives notice that an appeal is going to be taken to the authority called upon to decide the matter.

PROMPT AC- TION ON PETI- TION.

Art. 272.—No petition or request addressed to the president of the municipal council, or to the municipal council or to the mayor, shall be allowed

to remain unanswered in the manner which may be deemed proper, unless the reason or reasons for not making answer are declared.

When a matter of routine is to be dispatched, it shall be done without a greater delay than three days.

ROUTINE.

The permanent or special committees and officials shall submit their reports or opinions, within a period not exceeding ten days, unless a duly established cause prevents.

**PERIODS
FOR REPORTS.**

The final decision on a matter shall be rendered within ten days following that on which the proceedings have reached a stage where they are pending such decision only.

**FINAL
DECISION.**

The application of this article with respect to municipal councils shall not be taken into consideration if they are not in session.

Art. 273.—Any person submitting a petition to the municipal council, or to the mayor, shall have the right to demand, and to be given at once, a receipt describing the matter and the date and hour of the presentation thereof.

RECEIPT.

Art. 274.—An appeal lies from any act of a mayor of a barrio within five days after receipt of notification thereof. The matter shall be forwarded to the municipal mayor as soon as reported on, with all documents, who shall decide within a like period of five days.

**REMEDIES
AGAINST BA-
RRIO MAY-
ORS.**

Art. 275.—While appeals of an administrative character against any resolution or action of the municipal council or the municipal mayor are being heard, the execution of such resolution or action shall be suspended, unless questions of sanitation, precaution or remedy against dangers of calamities or any other requiring peremptory execution, in the judgment of the mayor or the municipal council, respectively, are involved. In any case, measures shall be adopted for the purpose of insuring, in due time, compliance with the resolutions or action, if the appeals should be dismissed.

**RESOLUTION
IN ABEYANCE.**

Art. 276.—A violation of the provisions relating to periods of time and other provisions relating to the appeals treated of in this title, and regarding the despatch of matters, shall constitute a malicious

**VIOLATION
OF PROVI-
SIONS RELAT-
ING TO AP-
PEALS.**

**FINE AND
INDEMNITY.**

violation of the law, and shall be punished by the imposition of a fine of twenty-five dollars, by the proper judge or court, in addition to the indemnity which may lie for the loss and damage which may have been caused.

REPETITION.

In case of a repetition of the offense, the fine may be raised to two hundred dollars.

**RECEIPT OF
APPEAL.**

Art. 277.—Every appellant shall always be given a voucher of the presentation of his appeal, stating the date and hour thereof.

CHAPTER II.**LIABILITIES.****LIABILITIES.**

Art. 278.—The mayor, the president of the municipal council, the councilmen, associate members, and barrio mayors, as well as the officials and employees of the municipality not included in the provisions of the civil service law, may incur liability of an administrative character, in addition to the civil and penal liability prescribed by law, for acts or omissions in the discharge of the duties of their respective offices, according to the provisions of this chapter.

**ADMINISTRATIVE
LIABILITY.****CIVIL AND
PENAL
LIABILITY.****ADMINISTRATIVE
PENAL
TIES.**

Art. 279.—Acts and omissions punishable administratively shall render the guilty parties liable to the penalties of reprimand, warning or fine, in the case of councilmen and associate members, and to any of said penalties, or those of suspension or removal, in the case of barrio mayors or of employees.

These penalties, with the exception of that of removal, shall be imposed upon councilmen, associate members and employees of the municipal council, by the president of the municipal council, and shall be imposed by the mayor, with the same reservation as above, upon barrio mayors and the employees of the municipal administration and those of his office.

**BY WHOM
IMPOSED.****REPRIMAND.**

Art. 280.—A reprimand shall be administered in cases of error, omission or slight negligence, when the damage is easily repaired.

WARNING.

A warning shall be given in case of the repetition of the reprimanded offense, and in the event of power being exceeded, negligence and abuse of

authority the consequences of which are not irreparable or grave.

A fine shall be imposed whenever so provided by the laws and general regulations, and in case of a repetition of offenses punishable by warning, and in the event of power being gravely exceeded, grave abuse of authority, or negligence or disobedience, which do not involve criminal liability, and which, in the case of barrio mayors or of employees, do not require suspension or removal from office.

FINE.

Art. 281.—The fine imposed as an administrative corrective shall not exceed fifty dollars in municipalities of one hundred thousand or more inhabitants; thirty dollars in municipalities of less than one hundred thousand but more than twenty thousand inhabitants; and twenty dollars in municipalities of twenty thousand inhabitants or less.

AMOUNT OF FINE.

In cases in which the amount of the fine is expressly fixed by this law or other legislative measures the provisions thereof shall be adhered to.

The collection of the fine shall be effected in the manner prescribed by paragraph 2 of article 78; but if the person fined receives a salary from the municipality, the amount of the fine may be deducted therefrom.

COLLECTION.

In the event that a fine imposed upon a barrio mayor who does not receive a salary should not be paid, the municipal council, upon the recommendation of the municipal mayor, may consider the case as a ground for removal, in order to proceed with the formalities prescribed for that purpose in article 99 of this law.

Art. 282.—The suspension from office and salary or from salary alone, shall be ordered by the mayor in the case of employees of the municipal administration or his office, and otherwise by the president of the municipal council; but always upon the institution of proceedings at which the interested party is given a hearing.

SUSPENSION FROM OFFICE AND SALARY.

These fines may be imposed when grave acts are involved differing from those mentioned in article 280, or in the case of a repetition of the offense in acts punishable by fine, or of persistency in the repetition of the offense in other cases.

PENALTIES.

REMOVAL.

The penalty of removal may be imposed without having been preceded by suspension.

**REMOVAL
AND SUSPEN-
SION OF THE
PRESIDENT
OF THE COUN-
CIL.**

Art. 283.—When the president of the municipal council incurs administrative liability he may be relieved of his office in the manner pointed out in article 67 of this law.

MAYOR.

With regard to the administrative liability of the municipal mayor, it can only be enforced by the suspension referred to in article 99 of the constitution, and in accordance with articles 87 and 88 of this law.

The municipal council, by resolution of two-thirds of the councilmen which it should have in accordance with this law, may request the provincial governor to exercise his constitutional prerogative, stating the grounds of its petition, in order that the governor, after consideration thereof, may decide what he deems proper.

**LIABILITY
OF MUNICI-
PALITY FOR
LOSS AND
DAMAGES.**

Art. 284.—The municipality shall be directly liable for any loss or damage attributable to the negligence of the municipality, which may be caused by a defect, insecurity, risk, or obstruction in the public road, sidewalks, sewers, or bridges of the municipality; but it shall indemnify itself by proceedings against the municipal official or employee, if he, through failure to comply with his duties, should have given rise to the occurrence constituting the basis for the claim, and consequently be responsible therefor.

**CLAIM
PRESENTED
WITHIN THIR-
TY DAYS.**

In such cases, the claim must be presented in writing to the mayor within thirty days after the occurrence of the act which gave rise thereto, and it shall set forth under oath or affirmation, the details of date, place, character, and amount of the damage or loss, and the estimated value thereof.

**REPORT OF
MAYOR.**

The mayor shall make a report to the municipal council on the matter as soon as possible, and the latter shall render a decision within the twenty days following that upon which it receives the claim, after hearing the official or employee who may be charged with liability.

Municipalities shall not be liable, however, for the damage or injury caused by defect, insecurity,

danger or obstruction in the public thoroughfare, sidewalks, sewers or bridges belonging to the municipality, unless the said defect, insecurity, danger or obstruction shall have remained for ten days after special notice in writing is given to the mayor or municipal council.

No judicial proceedings can be instituted against the municipality on account of such loss and damage, without proof that the claim referred to in this article was presented in due time to the mayor, and that the municipal council failed to render a decision or rejected the claim, or rendered a decision not satisfactory to the claimant, within the twenty days allowed for its decision.

**PROOF OF
PRESENTATION OF
CLAIMS.**

ADDITIONAL PROVISION.

The municipal law of October 2, 1877. and other legal provisions governing the organization and functions of municipalities, are hereby repealed, as are any other laws or provisions referring to authorizations necessary to be granted by the central power or the provincial governor to the municipality and laws or provisions opposed to the provisions of this law.

REPEAL.

TRANSITORY PROVISIONS.

I. Notwithstanding the provisions of article 178, municipal councils may retain in their budgets the amounts which appear therein by virtue of resolutions adopted prior to the promulgation of this law for the payment of pensions or donations to specific persons, but they cannot increase nor transfer them to other persons, although reduction therein may be made.

**EXISTING
PENSIONS OR
DONATIONS.**

II. The provisional governor may order the restoration of municipalities which may have been abolished, and which he considers in condition to exist under the provisions of this law. The said municipalities shall be included in their ancient limits, and, as far as possible, they shall have their property, privileges, and everything else which may have belonged to them.

**RESTORA-
TION OF ABOL-
ISHED MUNI-
CIPALITIES.**

Until the national congress resumes its sessions, petitions for the creation and restoration of municipalities shall be addressed to the provisional governor.

**PETITIONS
TO BE AD-
DRESSED TO
THE PROVI-
SIONAL GOV-
ERNOR.**

**DEBTS
INCURRED
PRIOR TO
LIST.**

III. Municipal councils shall include some amount in their regular budgets for the payment of debts incurred prior to 1899, which have been liquidated and acknowledged by the same municipal council, paying them in the order of priority and prorating them in the case of identity of dates.

**RETIREMENT
OF COUNCIL-
MEN.**

IV. Should the number of councilmen be not strictly divisible into halves, the larger number shall retire from office upon the first renewal, and the lesser number upon the second renewal.

The municipal council shall determine by lot, as soon as it is organized, the councilmen to be comprised in the first renewal.

**PRESCRIPTION
OF
DEBTS.**

V. The period of three years established in article 184, relating to the prescription of debts for municipal taxes, shall begin to be counted from the date of the promulgation of this law, with regard to credits pending collection at the time of its promulgation; and, likewise, with regard to the prescription of rights of action to collect credits against the municipality, in its capacity as an administrative corporation.

**LISTS FOR
REGISTERS OF
POPULATION.**

VI. Without prejudice to the provisions of articles 35 and 37 of this law, the state, at the expense of the national funds, shall furnish each municipality with the original census enumeration lists of all the barrios of the respective districts, bound in one or more volumes, by barrios, and indexed by names and numbers of pages and line; and the municipal administration shall add in the margin, at the right, by means of initials, the respective classification of permanent citizens and transients. Said lists, with additions, as aforesaid, shall constitute the first five year census for the purpose of registers of population, being taken as a basis for all other work, as provided in Chapter III of Title II.

**COUNCILMEN.
OATH OF**

VII. At the time the councilmen elected at the first elections held after the promulgation of this law take possession of their offices, they shall take the oath prescribed in article 60 before the municipal council, to be administered by the then secretary.

FINAL PROVISION

This law shall take effect upon the date, hereafter to be fixed by decree, for the first mayors and councilmen, elected under the provisions of the Electoral Law of April 1, 1908, to take possession of their offices.

EFFECTIVE,
WHEN.

CHARLES E. MAGOON,
Provisional Governor.

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